

# Report for Congress

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## **Iraq War: Background and Issues Overview**

**Updated March 24, 2003**

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# Iraq War: Background and Issues Overview

## Summary

On March 17, 2003, President Bush, in a televised address, gave President Saddam Hussein of Iraq a 48-hour ultimatum to flee the country or face military conflict. The war was launched on March 19, with a strike against a location where Saddam and top lieutenants were believed to be meeting. In November 2002, the United Nations Security Council had adopted Resolution 1441, giving Iraq a final opportunity to “comply with its the disarmament obligations” or “face serious consequences.” During January and February 2003, a U.S. military buildup in the Persian Gulf intensified and President Bush, other top U.S. officials, and British Prime Minister Tony Blair repeatedly indicated that Iraq had little time left to offer full cooperation with U.N. weapons inspectors. However, leaders of France, Germany, Russia, and China urged that the inspections process be allowed more time.

The Administration and its supporters assert that Iraq is in defiance of 17 Security Council resolutions requiring that it fully declare and eliminate its weapons of mass destruction (WMD). Further delay in taking action against Iraq, they argue, would have endangered national security and undermined U.S. credibility. Skeptics, including many foreign critics, maintain that the Administration is exaggerating the Iraqi threat and argue that the U.N. inspections process should have been extended. In October 2002, Congress authorized the President to use the armed forces of the United States to defend U.S. national security against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq (P.L. 107-243).

Analysts and officials are concerned about instability and ethnic fragmentation in Iraq after any war. U.S. planners are reportedly planning for an occupation of the country that could last two years or longer. Whether the overthrow of Iraqi President Saddam Hussein will lead to democratization in Iraq and the wider Middle East, or promote instability and an intensification of anti-U.S. attitudes, is an issue in debate. The extent to which an Iraqi conflict would create a substantial humanitarian crisis, including refugee flows and civilian deaths, will likely depend on the length of the conflict and whether it involves fighting in urban areas.

Constitutional issues concerning a possible war with Iraq were largely resolved by the enactment of P.L. 107-243, the October authorization. International legal issues remain, however, with respect to launching a pre-emptive war against Iraq if there is no new Security Council resolution authorizing such a war. Estimates of the cost of a war in Iraq vary widely. If war leads to a spike in the price of oil, economic growth could slow, but long-term estimates of the economic consequences of a war are hampered by uncertainties over its scale and duration.

This CRS report summarizes the current situation and U.S. policy with respect to the confrontation with Iraq, and reviews a number of war-related issues. See the CRS web site [<http://www.congress.gov/erp/legissues/html/isfar12.html>] for related products, which are highlighted throughout this report. This report also provides links to other sources of information and is updated once a week.

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# Iraq War: Background and Issues Overview

## Introduction

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(Last updated March 24, 2003)

## Most Recent Developments

For a day-by-day update on Iraq-related developments, including military developments, see CRS Current Legislative Issues, *Iraq-U.S. Confrontation: Daily Developments* [<http://www.crs.gov/products/browse/iraqdocs/iraqdaily.shtml>].

## Purpose of This Report

The **Background** section of this report outlines the evolution of the current conflict with Iraq since September 11, 2001. This section is followed by a more detailed description and analysis of U.S. policy and a survey of congressional actions on Iraq. The report then reviews a range of issues that the Iraq situation has raised for Congress. These issue discussions have been written by CRS experts, and contact information is provided for congressional readers seeking additional information. In this section and elsewhere, text boxes list CRS products that provide in-depth information on the topics under discussion or on related topics. The final section links the reader to additional sources of information on the Iraq crisis. For a list of CRS reports related to Iraq, see CRS Current Legislative Issues, *Iraq-U.S. Confrontation* [<http://www.congress.gov/erp/legissues/html/isfar12.html>].

This report will be updated once each week while the Iraq crisis continues.

## Background

Bush Administration concerns about Iraq's alleged weapons of mass destruction programs intensified after the September 11, 2001 terrorist attacks. President Bush named Iraq, Iran, and North Korea as the "axis of evil" nations in his January 2002 State of the Union address. Vice President Cheney, in two August 2002 speeches, accused Iraqi leader Saddam Hussein of seeking weapons of mass destruction to dominate the Middle East and threaten U.S. oil supplies.<sup>1</sup> These speeches fueled speculation that the United States might act soon unilaterally against Iraq. However,

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<sup>1</sup> "Vice President Speaks at VFW 103d National Convention," August 26, 2002; and "Vice President Honors Veterans of Korean War," August 29, 2002. Available on the White House web site at [<http://www.whitehouse.gov>] under "News."

in a September 12, 2002 speech to the United Nations General Assembly, President Bush pledged to work with the U.N. Security Council to meet the “common challenge” posed by Iraq.<sup>2</sup> H.J.Res. 114, which became law (P.L. 107-243) on October 16, authorized the use of force against Iraq, and endorsed the President’s efforts to obtain prompt Security Council action to ensure Iraqi compliance with U.N. resolutions. On November 8, 2002, the Security Council, acting at U.S. urging, adopted Resolution 1441, giving Iraq a “final opportunity” to comply with the disarmament obligations imposed under previous resolutions, or face “serious consequences.”

**Prelude to War.** During January-March 2003, the U.S. military buildup in the Persian Gulf intensified, as analysts speculated that mid- to late March seemed a likely time for an attack to be launched. (See below, **Military Issues**.) Officials maintained that it would be possible to attack later, even in the extreme heat of summer, but military experts observed that conditions for fighting a war would be far better in the cooler months before May. Statements by President Bush, Secretary of State Colin Powell, and other top officials during January, February, and March expressed a high degree of dissatisfaction over Iraq’s compliance with Security Council disarmament demands. The President said on January 14, that “time is running out” for Iraq to disarm, adding that he was “sick and tired” of its “games and deceptions.”<sup>3</sup> On January 26, 2003, Secretary of State Powell told the World Economic Forum, meeting in Davos, Switzerland, that “multilateralism cannot be an excuse for inaction” and that the United States “continues to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing.”

**Figure 1. Iraq in the Middle East**



Source: Map Resources. Adapted by CRS.  
(M.Chin 01/03)

President Bush presented a sweeping condemnation of Iraq in his State of the Union Address on January 28, 2003. “With nuclear arms or a full arsenal of chemical and biological weapons,” the President warned, “Saddam Hussein could resume his ambitions of conquest in the Middle East and create deadly havoc in the region.” The President told members of the armed forces that “some crucial hours may lie ahead.” Alleging that Iraq “aids and protects” Al Qaeda, the President also condemned what he said was Iraq’s “utter contempt” for the United Nations and the world. On February 5, 2003, as discussed below under **Weapons of Mass Destruction Issues**, Secretary of State Powell detailed to the United Nations

<sup>2</sup> “President’s Remarks at the United Nations General Assembly,” September 12, 2002. Available at [<http://www.whitehouse.gov>].

<sup>3</sup> “President’s Remarks on Iraq,” January 14, 2003 [<http://www.whitehouse.gov>].

Security Council what he described as Iraq's "web of lies" in denying that it has weapons of mass destruction programs.

On February 26, President Bush gave a major address on Iraq. He said that the end of Hussein's regime would "deprive terrorist networks of a wealthy patron .... And other regimes will be given a clear warning that support for terror will not be tolerated." He returned to an earlier Administration theme in declaring that post-Hussein Iraq would be turned into a democracy, which would inspire reform in other Middle Eastern states. Specialists challenged his assertion that transforming Iraq into a democracy was a credible option. They cited the strong rivalries within its ethnically and religiously diverse population and questioned whether the United States could mount the resolve for a process of democratization that might take years to accomplish.<sup>4</sup>

**Final Diplomatic Efforts.** Despite the resolve of U.S. officials, international support for an early armed confrontation remained limited. President Jacques Chirac of France was a leading critic of the U.S. approach while the Iraq issue remained before the U.N. Security Council, maintaining that he was not convinced by the evidence presented by Secretary of State Powell. On February 10, at a press conference in Paris with President Putin of Russia, Chirac said "nothing today justifies war." Speaking of weapons of mass destruction, Chirac added "I have no evidence that these weapons exist in Iraq."<sup>5</sup> France, Germany, and Russia advocated a strengthened inspections regime rather than an early armed conflict with Iraq, and China took a similar position.

On February 24, 2003, the United States, the United Kingdom, and Spain introduced what was called a "second resolution" at the U.N. Security Council, stating that Iraq had failed "to take the final opportunity afforded to it by Resolution 1441" to disarm. The proposed resolution was regarded as authorizing the immediate use of force to disarm Iraq. On March 10, President Chirac said that his government would veto the resolution, and Russian officials said that their government would likely follow the same course. (See below, **Diplomatic Issues**.)

Chirac's stance, and the Administration's lack of success in garnering other support for the "second resolution," seemed to convince U.S. officials that further diplomatic efforts at the United Nations would prove fruitless. President Bush flew to the Azores for a hastily-arranged meeting with the prime ministers of Britain and Spain on Sunday, March 16, 2003. The meeting resulted in a pledge by the three leaders to establish a unified, free, and prosperous Iraq under a representative government. At a press conference after the meeting, President Bush stated that "Tomorrow is the day that we will determine whether or not democracy can work." On March 17, the three governments announced that they were withdrawing the proposed Security Council resolution, and President Bush went on television at 8:00 p.m. (EST) that evening to declare that unless Saddam Hussein fled Iraq within 48 hours, the result would be "military conflict, commenced at the time of our own

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<sup>4</sup> "President Details Vision for Iraq," *Washington Post*, February 27, 2003; "For Army, Fears of Postwar Strife," *Washington Post*, March 11, 2003.

<sup>5</sup> "U.S.-Europe Rifts Widen Over Iraq," *Washington Post*, February 11, 2003.

choosing.” The war began on the night of March 19, with an aerial attack against a location where Saddam Hussein was suspected to be meeting with top Iraqi officials.

U.S. officials point out that a number of other countries supported the U.S. demand for immediate Iraqi compliance with U.N. resolutions on disarmament. Many foreign observers argue, however, that U.N. inspectors had failed to find a “smoking gun” proving that Iraq has continued its weapons of mass destruction programs. U.S. officials and others maintain that this was never the goal of the inspections. In their view, the purpose of inspections was to verify whether Iraq had disarmed in compliance with past U.N. resolutions. Iraq had not pro-actively cooperated with the inspections process, they argue, and consequently there had been no such verification.<sup>6</sup>

**Public Reactions.** In mid-January 2003, polls showed that a majority of Americans wanted the support of allies before the United States launched a war against Iraq. The polls shifted on this point after the State of the Union message, with a majority coming to favor a war even without explicit U.N. approval.<sup>7</sup> Polls shifted further in the Administration’s direction following Secretary Powell’s February 5 presentation to the Security Council.<sup>8</sup> Although subsequent polls showed some slippage in support for a war, President Bush’s speech on the evening of March 17 rallied public support once again. A *Washington Post-ABC News* poll taken just afterward, showed that 71% supported war with Iraq and that 66% supported the President’s decision not to seek a U.N. Security Council vote.<sup>9</sup> Polls showed that seven in ten Americans continued to support the war after the fighting began.<sup>10</sup> Nonetheless, many Americans oppose a war, and large anti-war demonstrations took place in several cities on the weekend of March 15-16, followed by sharp protests in San Francisco and a large demonstration in New York after the fighting began. Major anti-war demonstrations had also occurred on the weekends of January 19-20 and February 15-16, and there have been demonstrations in support of Administration policy as well.

Many reports have noted that U.S. policy on Iraq has led to a rise in anti-Americanism overseas, particularly in western Europe, where polls show strong opposition to a war with Iraq,<sup>11</sup> and in the Middle East. Demonstrations against the war in European cities on February 15-16 were widely described as “massive,” and, as in the United States, large demonstrations also took place on March 15-16. Large

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<sup>6</sup> David Kay, “It was Never About a Smoking Gun,” *Washington Post*, January 19, 2003.

<sup>7</sup> “Support for a War with Iraq Grows After Bush’s Speech,” *Washington Post*, February 2, 2003.

<sup>8</sup> “Poll: Bush Gaining Support on Invading Iraq,” *CNN*, February 10, 2003; “Most Support Attack on Iraq, with Allies,” *Washington Post*, February 11, 2003.

<sup>9</sup> “Washington Post-ABC News Poll: Bush’s Speech,” *Washingtonpost.com*, March 18, 2003.

<sup>10</sup> “U.S. Public Support for War Holds at About 70%,” *Dow Jones International News*, March 24, 2003.

<sup>11</sup> “Sneers from Across the Atlantic,” *Washington Post*, February 11, 2003.



demonstrations were reported in many cities worldwide after the fighting began, and efforts to launch boycotts of U.S. products are underway in some countries.

## U.S. Policy

### The Administration

**Kenneth Katzman, 7-7612**

*(Last updated March 24, 2003)*

On March 17, 2003, as noted above in **Background**, President Bush addressed the American people and announced that Iraq would face conflict with the United States if Saddam Hussein and his sons, Uday and Qusay, did not leave Iraq within 48 hours. The statement followed a breakdown in negotiations among U.N. Security Council members to authorize military action. U.N. weapons inspectors were ordered by Secretary General Kofi Annan to leave Iraq by March 18. On March 19, 2003, after the expiration of the 48-hour ultimatum, President Bush told the American people that military operations against Iraq had been ordered.

In making its case for confronting Iraq, the Bush Administration has characterized the regime of Saddam Hussein in Iraq as a grave potential threat to the United States and to peace and security in the Middle East region. The Administration maintains that Iraq has active weapons of mass destruction (WMD) programs that could be used to attain Saddam Hussein's long-term goal of dominating the Middle East. These weapons, according to the Administration, could be used by Iraq directly against the United States, or they could be transferred to terrorist groups such as Al Qaeda. The Administration says that the United States cannot wait until Iraq makes further progress on WMD to confront Iraq, since Iraq could then be stronger and the United States might have fewer military and diplomatic options.

In deciding to launch military action against Iraq, the Administration asserted that Iraq is in breach of 17 U.N. Security Council resolutions – including Resolution 1441 of November 8, 2002, mandating that Iraq fully declare and eliminate its WMD programs. President Bush maintained this position despite opposition from a number of U.S. allies and Security Council members, including France, Germany, Russia, and China. These and several other countries believed that U.N. inspections were working to disarm Iraq and should have been continued as an alternative to war. The end of diplomatic negotiations to avert war came after the United States and Britain were unable to muster sufficient Security Council support for a proposed U.N. Security Council resolution that would have authorized force if Iraq did not meet a final deadline for Iraq to fully comply with WMD disarmament mandates.

**Policy Debate.** Several press accounts indicate that there have been divisions within the Administration on Iraq policy. Secretary of State Powell had been said to typify those in the Administration who believed that a long term program of unfettered weapons inspections could have succeeded in containing the WMD threat

from Iraq.<sup>12</sup> He reportedly was key in convincing President Bush to work through the United Nations to give Iraq a final opportunity to disarm voluntarily. However, since late January 2003, Secretary Powell has insisted that Iraq's failure to cooperate fully with the latest weapons inspections indicated that inspections would not succeed in disarming Iraq and that war would be required, with or without U.N. authorization. The Secretary is reportedly highly critical in private of U.S. allies, particularly France, that opposed war with Iraq. Some press reports on March 23, 2003, indicated that Powell is in touch with senior officials of several of Iraq's neighbors to try to negotiate the exile of Saddam and his sons.

Press reports suggest that Vice President Cheney and Secretary of Defense Rumsfeld, among others, were consistently skeptical that inspections could significantly reduce the long-term threat from Iraq and reportedly have long been in favor of U.S. military action against Iraq. These and other U.S. officials reportedly believe that overthrowing Saddam Hussein would pave the way for democracy not only in Iraq but in the broader Middle East and reduce support for terrorism. In a speech before the American Enterprise Institute on February 26, 2003, President Bush said that the overthrow of Saddam Hussein by the United States could lead to the spread of democracy in the Middle East and a settlement of the Israeli-Palestinian dispute.

In January 2003, the Administration revived assertions it had made periodically since the September 11, 2001 attacks that Iraq supports and has ties to the Al Qaeda organization, among other terrorist groups. According to the Administration, Iraq has provided technical assistance in the past to Al Qaeda to help it construct chemical weapons, and senior Al Qaeda activists have contacts with the Baghdad regime. A faction based in northern Iraq and believed linked to Al Qaeda, called the Ansar al-Islam, is in contact with the Iraqi regime, according to the Administration. That enclave was attacked by U.S. forces shortly after the war began on March 19. President Bush said in his 2003 State of the Union message that "Evidence from intelligence sources, secret communications, and statements from people now in custody, reveal that Saddam Hussein aids and protects terrorists, including members of Al Qaeda." However, press reports in early February 2003 said that this view was not uniform within the intelligence community and that some in the intelligence community discount any Iraq-Al Qaeda tie.

Another view is that there may have been occasional tactical cooperation between some in Al Qaeda and some Iraq intelligence agents.<sup>13</sup> Others are said to believe that there might have been some cooperation when Osama bin Laden was based in Sudan in the early 1990s, but that any Iraq-Al Qaeda cooperation trailed off later on, after bin Laden was expelled from Sudan in 1996 and went to Afghanistan. Bin Laden issued a statement of solidarity with the Iraqi people on February 12, exhorting them to resist any U.S. attack. Secretary of State Powell cited the tape as evidence of an alliance between the Iraqi regime and Al Qaeda, although bin Laden

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<sup>12</sup> "U.S. Officials Meet to Take Stock of Iraq Policy," *Washington Post*, October 16, 2002.

<sup>13</sup> Goldberg, Jeffrey. "The Unknown: The CIA and the Pentagon Take Another Look at Al Qaeda and Iraq." *The New Yorker*, February 10, 2003.

was highly critical of Saddam Hussein in the statement, calling his Baath Party regime “socialist” and therefore “infidel.”

**Regime Change Goal.** The Bush Administration’s September 2002 decision to seek a U.N. umbrella for the confrontation with Iraq led officials to mute their prior declarations that the goal of U.S. policy was to change Iraq’s regime. The purpose of downplaying this goal may have been to blunt criticism from U.S. allies and other countries that wanted to focus on the disarmament of Iraq and argued that regime change is not required by any U.N. resolution. However, in practice, the United States drew little separation between regime change and disarmament: the Administration believes that a friendly government in Baghdad would be required to ensure complete elimination of Iraq’s WMD. In recent weeks, as the U.N. option drew to a close, the Administration again stressed regime change as a specific goal of a U.S.-led war, and some argue that the President’s ultimatum that Saddam and his sons leave Iraq to avoid war indicates that the regime change goal is paramount.

### CRS Products

CRS Report RL31756, *Iraq: The Debate over U.S. Policy.*

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy.*

CRS Report RL31339, *Iraq: U.S. Efforts to Change the Regime.*

CRS Report RS21325, *Iraq: Divergent Views on Military Action.*

## Congressional Action

**Jeremy M. Sharp, 7-8687**

*(Last updated March 21, 2003)*

As the United States conducts Operation Iraqi Freedom to remove the regime of Saddam Hussein, Members of Congress have expressed their utmost support for U.S. military forces in the region and for their families at home. On March 20, 2003, the House of Representatives, by a vote of 392 in favor to 11 opposed, overwhelmingly passed H.Con.Res. 104, a resolution that expressed the support and appreciation of the nation for the President and the members of the armed forces who are participating in Operation Iraqi Freedom. That same day, the Senate passed a similar resolution, S.Res. 95 by a vote of 99 - 0. Nonetheless, some debate continues over Administration diplomacy in connection with the war and the level of consultation with Congress over the war’s costs. Moreover, Congress will likely be looking ahead to issues related to the rebuilding of Iraq. President Bush briefed congressional leaders on the Administration’s Iraq policy several hours before his March 17, 2003 televised speech to the nation. Since the beginning of the war, Defense Department officials have been regularly briefing some Members of Congress on the progress of Operation Iraqi Freedom.

**Background.** Since the Iraqi invasion of Kuwait in 1990, Congress has played an active role in supporting U.S. foreign policy objectives to contain Iraq and force

it into compliance with U.N. Security Council resolutions. Congress has restricted aid and trade in goods to some countries found to be in violation of international sanctions against Iraq. Congress has also called for the removal of Saddam Hussein's regime from power and the establishment of a democratic Iraqi state in its place. In 1991, Congress authorized the President to use force against Iraq to expel Iraqi forces from Kuwait in accordance with United Nations Security Council Resolution 678 (P.L. 102-1).

On October 16, 2002, the President signed H.J.Res. 114 into law as P.L. 107-243, the "Authorization for Use of Military Force Against Iraq Resolution of 2002." The resolution authorized the President to use the armed forces to defend the national security of the United States against the threat posed by Iraq and to enforce all relevant U.N. resolutions regarding Iraq. The resolution conferred broad authority on the President to use force and required the President to make periodic reports to Congress "on matters relevant to this joint resolution." The resolution expressed congressional "support" for the efforts of the President to obtain "prompt and decisive action by the Security Council" to enforce Iraq's compliance with all relevant Security Council resolutions.

Congress continued to play a role in formulating U.S. policy in Iraq even after the passage of H.J.Res. 114 (P.L. 107-243). The range of congressional action falls roughly into four broad categories:

- Many Members who voted in favor of the resolution offered strong support for President Bush's attempts to force Iraq into compliance with U.N. resolutions.
- Other lawmakers, including some who supported the resolution, commended the Administration for applying pressure on Saddam Hussein's regime but have called on the Administration to be more forthcoming with plans for the future of Iraq and more committed to achieving the broadest possible international coalition of allied countries.
- Still others, including some Members who voted in favor of H.J.Res. 114, questioned the urgency of dealing with Iraq, particularly in light of developments in North Korea and Iran.
- Finally, many Members who voted against H.J.Res. 114 (P.L. 107-243) continued to look for ways to forestall the use of force against Iraq, in part by proposing alternative resolutions that call for a more comprehensive inspections process. In one instance, several Members initiated a lawsuit to curtail the President's ability to authorize the use of force. (See below, **International and Domestic Legal Issues Relating to the Use of Force.**)

**Recent Legislation.** After the start of the 108<sup>th</sup> Congress, lawmakers drafted several resolutions relating to the current confrontation with Iraq. Some Members opposed to a war in Iraq proposed bills to repeal the "Authorization for Use of

Military Force Against Iraq Resolution of 2002.”<sup>14</sup> Other lawmakers drafted legislation that would require the President to meet additional criteria such as allowing additional time for weapons inspections and passing a second U.N. Security Council resolution before authorizing the use of force against Iraq.<sup>15</sup> Even before President Bush’s March 17 ultimatum to Saddam Hussein, most observers did not expect these measures to be reported out of committee due to insufficient support.

Some Members of Congress have considered measures, such as trade sanctions, that would retaliate against France and Germany for their stance on Iraq. U.S. lawmakers, angry over French and German opposition to the Administration’s Iraq policies, are considering retaliatory gestures such as trade sanctions against French wine and bottled water. Some Members reportedly also support proposals to move many U.S. troops based in Germany to other locations.<sup>16</sup> One lawmaker has proposed legislation that would prevent any post-conflict assistance funding from being expended with a French-owned company.

**Options for the Future.** With Operation Iraqi Freedom in full swing, a supplemental appropriations bill to provide funding is widely anticipated. Following the war and “regime change” in Iraq, the United States will likely seek to influence future internal political and economic developments in that country. Congress may be asked to provide funding for a range of foreign assistance programs that would facilitate U.S. long-range objectives in Iraq. The extent and cost of U.S. programs would depend on the post-war scenario. (See below, **Cost Issues**.) The Administration may ask Congress to appropriate new funds for refugees or to support coalition partners in the Middle East, which may suffer economically in the event of regional instability. Congress may also be asked to authorize a program of assistance specific to Iraq along the lines of the FREEDOM Support Act of 1992 (P.L. 102-511), which authorized aid to the former Soviet Union, or the Afghanistan Freedom Support Act of 2002 (P.L. 107-327). In considering aid levels, Congress will have to weigh Iraq-related aid against other budget priorities.

### CRS Products

CRS Current Legislative Issues, *Iraq-U.S. Confrontation: Legislation in the 108<sup>th</sup> Congress* [<http://www.crs.gov/products/browse/iraqleg.shtml>]

CRS Report RS21324, *Iraq: A Compilation of Legislation Enacted and Resolutions Adopted, 1990 - 2003*.

<sup>14</sup> For specific bills, see H.Con.Res. 2 and H.J.Res. 20.

<sup>15</sup> See H.Res. 55, S.Res. 28, and S.Res. 32.

<sup>16</sup> “U.S. Lawmakers Weigh Actions to Punish France, Germany,” *Washington Post*, February 12, 2003.

## Issues for Congress

### Military Issues

Steve Bowman, 7-7613

(Last updated March 24, 2003)

Figure 2. Map of Iraq



Source: Map Resources. Adapted by CRS. (M.Chin 02/03)

The first 100 hours of the combat saw U.S. ground forces move within 100 miles of Baghdad, skirting urban areas and seizing only objectives key to continuing the advance. Pockets of resistance continue to be encountered, and Iraqi paramilitary forces have undertaken guerrilla-style attacks in rear areas. Though press reports have made much of these encounters, U.S. military commanders generally consider them to be the expected result of a rapid advance through hostile territory and unlikely to impinge on the overall success of the campaign. Relatively few casualties have been incurred, and U.S. Central Command (CENTCOM) headquarters maintains that the ground offensive is “on schedule” and “on-track.” Though the more optimistic predictions of mass surrenders by Iraqi troops have not come to pass,

a CENTCOM spokesman has noted that U.S. forces have encountered no “organized, cohesive” resistance. It is generally believed that the critical point will be when U.S. ground forces engage Republican Guard units around Baghdad, and it appears that U.S. Army and U.S. Marine units are grouping in preparation for these attacks now. Some observers have voiced concern that U.S. forces may be being purposely drawn in, over-extending their lines and making them more vulnerable to attacks in these rear areas. The air offensive continues unabated against a wide range of targets (e.g. Republican Guard units, command and control centers, air defense sites). The most significant unknowns remain the extent and intensity of Iraqi resistance within Baghdad and whether chemical or biological weapons will be employed. To date Iraqi forces have not employed chemical or biological weapons, and press reports to the contrary, CENTCOM has not confirmed the discovery of any WMD sites. CENTCOM commander General Franks has suggested that such discoveries may well not occur until later in the campaign.

The United States continues its build-up of military forces in the Persian Gulf region and other locations within operational range of Iraq. The Department of Defense (DOD) has released limited official information on these deployments; but press leaks have been extensive, allowing a fairly good picture of the troop movements underway. The statistics provided, unless otherwise noted, are not confirmed by DOD and should be considered approximate.

The number of U.S. personnel deployed to the Persian Gulf region (both ashore and afloat) reportedly exceeds 250,000. Additional units that have been alerted for deployment, but have not begun transit, include the 1st Cavalry Division, 1st Armored Division, and 1st Mechanized Division. The 4th Mechanized Infantry Division, originally intended to attack through Turkey, has been diverted to Kuwait. Ships carrying its equipment are expected to arrive by early April, and its personnel are to deploy by air from the United States. The 101st Airborne (Air Assault) Division has begun to deploy from Kuwait to positions within Iraq. It is also probable that some airborne troops (82nd Airborne Division and 173rd Airborne Brigade) have moved into positions in northern Iraq.

DOD has announced that, as of March 19, 2003, more than 212,000 National Guard and Reservists from all services are now called to active duty, an increase of about 24,000 in one week.<sup>17</sup> DOD has not indicated which of these personnel are being deployed to the Persian Gulf region and how many will be “backfilling” positions of active duty personnel in the United States, Europe, and elsewhere.

In addition to U.S. deployments, Britain has dispatched an armor Battle Group, a naval Task Force (including Royal Marines), and Royal Air Force units, totaling reportedly about 47,000 personnel.<sup>18</sup> Australia has deployed approximately 2,000 personnel, primarily special operations forces.

The United States has personnel and materiel deployed in the Persian Gulf states of Kuwait, Qatar, Bahrain, Saudi Arabia, and the United Arab Emirates. Though

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<sup>17</sup> Department of Defense news release, March 19, 2003.

<sup>18</sup> British Ministry of Defense web site: [<http://www.operations.mod.uk/telic/forces.htm>].

there had been speculation about what level of cooperation/participation could be expected from these nations if the United Nations Security Council did not pass another resolution specifically authorizing the use of force against Iraq, it currently appears that they will continue to support U.S. military operations against Iraq. Because of significant popular opposition to this support in some countries, governments have sought to minimize public acknowledgment of their backing. There are press reports that U.S. forces, both ground and air, have also deployed to Jordan and are mounting special operations against Iraq from the west.<sup>19</sup>

Outside the Persian Gulf region, only the United Kingdom, Australia, Denmark, Poland have offered combat force contributions. Germany, Slovakia, the Czech Republic, and Ukraine have military nuclear-chemical-biological (NBC) defense teams in Kuwait, but these will not enter Iraq. After protracted debate, NATO's Defense Policy Committee approved Turkey's request for military assistance and directed NATO headquarters to begin the deployment of airborne early-warning aircraft, air defense missiles, and chemical-biological defensive equipment. Germany and Belgium reversed their early opposition to this effort, and France's anticipated opposition was obviated by acting within the Defense Policy Committee, of which France is not a member. Both the Netherlands and Germany have deployed Patriot air defense missiles to Turkey.

The U.S. CENTCOM commander has downplayed the impact of the Turkish parliament's earlier rejection of a proposal for basing U.S. troops in Turkey, stating that the use of Turkish territory is not necessary for a successful operation. Nevertheless, CENTCOM has lost the advantage of having a second major front for Iraqi armed forces to face early in the conflict. Currently, northern Iraq remains relatively uneventful militarily, with no large offensive operations yet undertaken. There are still concerns about possibly large deployments of Turkish troops into the region, and the United States continues talks with Turkey on this issue. (See also **Diplomatic Issues** and **Burden Sharing Issues**.)

News reports maintain that the Bush Administration, through National Security Presidential Directive (NSPD) 17 and the *National Strategy for Combating Weapons of Mass Destruction*, has endorsed the possible first use of nuclear weapons if U.S. or allied forces are attacked with chemical or biological weapons, or to attack underground bunkers that are deemed invulnerable to conventional munitions. Though shown to the press, NSPD 17 remains classified and Administration spokesmen have declined comment on its content. The *National Strategy* document does not refer to nuclear weapons specifically but rather refers to a "resort to all options." Some analysts suspect that press leaks on a nuclear option are an attempt to intimidate Iraq rather than a genuine threat. Critics are concerned that the Administration is lowering the nuclear threshold and discarding long-held U.S. assurances that it would not use nuclear weapons against a non-nuclear power.<sup>20</sup>

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<sup>19</sup> "U.S. Troops Keep Quiet on Iraq's Western Front," *USA Today*, March 17, 2003.

<sup>20</sup> "As U.S. Girds for Worst in Iraq, Retaliation Isn't Clear-Cut Issue," *Washington Post*, January 29, 2003; "Bush Signs Paper Allowing Nuclear Response," *Washington Times*, January 29, 2003.



**CRS Products**

CRS Report RL31701. *Iraq: U.S. Military Operations.*

CRS Report RL31763. *Iraq: Summary of U.S. Forces.*

CRS Report RL31682. *The Military Draft and a Possible War with Iraq.*

CRS Report RL31641. *Iraqi Challenges and U.S. Military Responses: March 1991 through October 2002.*

**Diplomatic Issues**

**Raymond W. Copson, 7-7661**

*(Last updated March 24, 2003)*

The March 17, 2003 announcement by the United States, Britain, and Spain that they were withdrawing their proposed “second resolution” at the United Nations Security Council (see above, **Background**), was followed that evening by President Bush’s nationwide address giving Saddam Hussein an ultimatum to flee or risk military conflict. These events marked the end of a major U.S. diplomatic effort to win the support of a Security Council majority for action against Iraq without further delay. The end of the diplomatic phase of the confrontation with Iraq left a bitter aftermath among some foreign opponents of the U.S. and British intervention. Russian Foreign Minister Igor Ivanov said that United Nations weapons inspectors would have been able to complete the disarmament process peacefully,<sup>21</sup> and after the war was launched on March 19, Prime Minister Vladimir Putin charged that “This military action cannot be justified in any way.”<sup>22</sup> German Chancellor Gerhard Schroeder said “A bad decision was taken: the choice of the logic of war has won over the chances for peace.”<sup>23</sup> French President Jacques Chirac, as expected, was also highly critical.

**Relations with European Allies.** Whether the United States should attempt to mend relations with European allies who have been critics of U.S. policy on Iraq will likely emerge as a diplomatic issue in coming months. Some see little value in doing so on grounds that the capabilities of these countries for contributing to global threat reduction are limited. Moreover, these observers note, other European countries, particularly Britain and Spain, have backed U.S. actions in Iraq, reducing the impact of French, German, and Russian opposition. (For support offered by other countries, see below, **Burden Sharing Issues**.) Finally, there is concern that President Chirac may see it as the role of France and the European Union (EU) to “balance” and constrain U.S. power, so that any U.S. move to compromise with

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<sup>21</sup> “As War Looms, Security Council Discusses Iraqi Disarmament,” *U.N. News Service*, March 20, 2003.

<sup>22</sup> “Wave of Protests, From Europe to New York,” *New York Times*, March 21, 2003.

<sup>23</sup> “War on Iraq a Bad Decision, Must End Soon: Germany’s Schroeder,” *Agence France-Presse*, March 20, 2003.

European critics could play into this objective and damage U.S. interests.<sup>24</sup> The counter-view is that the controversy over Iraq has placed great strains on the United Nations, NATO, and the European Union – international institutions that many see as important components of global stability in the years ahead. From this perspective, healing relations with European critics of the United States can reduce tensions within these organizations and help them to recover.<sup>25</sup> Some also note that a major EU contribution to the recovery of Iraq is more likely if U.S. relations with Germany and France improve. These two countries are central EU financial backers. Those who favor greater understanding of European positions point out that many European countries have significant Muslim populations and see developments in the nearby Middle East as directly affecting their security interests.

A test of the likely future of U.S. relations with France, Germany, and Russia could soon occur at the United Nations Security Council. President Chirac has argued that only the United Nations can legitimately administer post-war Iraq, and has opposed a proposal by Prime Minister Tony Blair of Britain for a Security Council resolution authorizing a British/American administration.<sup>26</sup> U.S. officials are hoping that the United Nations will play a key role in humanitarian relief efforts in Iraq,<sup>27</sup> but this could be jeopardized if France and Russia, who have veto power at the Security Council, remain uncooperative.

**Use of Diplomatic Instruments in Support of the War.** With the onset of war, the United States asked countries having diplomatic relations with Iraq to close Iraqi embassies, freeze their assets, and expel Iraqi diplomats. U.S. officials argued that the regime in Iraq would soon change and that the new government would be appointing new ambassadors. Press reports suggest that while Australia did expel Iraqi diplomats, the U.S. request met with little success elsewhere; and several countries explicitly refused.<sup>28</sup> On March 20, 2003, President Bush issued an executive order confiscating Iraqi assets, frozen since Iraq's invasion of Kuwait in 1990, for use for humanitarian purposes. The United States asked other countries holding Iraqi assets to do the same, but this request too seems to have met with a limited response to date.<sup>29</sup>

U.S. policymakers are concerned that Turkey might send a large number of troops into northern Iraq and are applying diplomatic pressure to prevent this from

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<sup>24</sup> Timothy Garton Ash, "The War After War with Iraq," *New York Times*, March 20, 2003. See also, Charles Krauthammer, "Don't Go Back to the U.N.," *Washington Post*, March 21, 2003.

<sup>25</sup> Richard Bernstein, "Hyper Power," *New York Times Week in Review*, March 23, 2003.

<sup>26</sup> "France Opposes Proposal for U.S.-British Rule in Iraq," *New York Times*, March 22, 2003.

<sup>27</sup> "France Opposes New U.N. Vote," *Washington Post*, March 22, 2003.

<sup>28</sup> "World Governments Snub U.S. Requests to Expel Iraqi Diplomats," *Agence France-Presse*, March 21, 2003. Jordan expelled five Iraqi diplomats for security reasons but said that Iraq could replace them.

<sup>29</sup> "Swiss Signal No Need Yet to Freeze Iraqi Assets," *Agence France-Presse*, March 21, 2003.

happening. President Bush warned Turkey not to come into northern Iraq on March 24, and U.S. special envoy Zalmay Khalizad met with Turkish leaders on March 24 to emphasize the point.<sup>30</sup> Turkey fears that any drive by Iraqi Kurds toward independence would encourage Kurdish separatists in Turkey, but fighting between Turks and Kurds in northern Iraq would greatly complicate U.S. efforts to stabilize the country. Finally, the U.S. government has delivered a protest to the government of Russia for failing to prevent Russian firms from selling military equipment to Iraq in violation of United Nations sanctions. The sales reportedly included electronic jamming equipment and night vision goggles.

### **CRS Products**

CRS Report RL31794, *Iraq: Turkey and the Deployment of U.S. Forces.*

CRS Report RS21462, *Russia and the Iraq Crisis.*

CRS Report RS21323, *The United Nations Security Council – Its Role in the Iraq Crisis: A Brief Overview*, by Marjorie M. Browne.

## **Weapons of Mass Destruction Issues**

**Sharon Squassoni, 7-7745**

*(Last updated March 24, 2003)*

Iraq's chemical, biological, and nuclear weapons programs, along with its long-range missile development and alleged support for terrorism, are the justifications put forward for forcibly disarming Iraq. At present, the most pressing weapons of mass destruction (WMD) issues are related to possible use by Iraqi forces of WMD, potential U.S. military strikes against WMD-related facilities, and plans for eliminating residual capabilities during and after the war. Some key questions to consider include:

- What deployable WMD forces does Iraq have? What are their plans for using WMD?
- Is intelligence adequate for U.S. military forces to target WMD capabilities?
- What are the possible health and environmental effects of destroying WMD or WMD production sites?
- How might U.S. forces prevent the transfer of WMD technologies or capabilities to unknown entities in the immediate aftermath of the war?

**Iraq's Deployable Weapons of Mass Destruction.** On March 17, 2003, media first reported that U.S. intelligence agencies had information that Iraq was deploying chemical weapons (CW) with troops. A March 20 report in the *Wall Street*

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<sup>30</sup> "U.S. Special Envoy in Turkey," *Associated Press*, March 24, 2003.

*Journal* went further, citing Pentagon officials that “intelligence reports suggested Hussein has given field-level commanders clearance to use chemical weapons and biological weapons.”<sup>31</sup> Secretary of Defense Rumsfeld told CBS’s *Face The Nation* that Iraqi forces “have chemical and biological weapons, and that they have dispersed them, and that they are weaponized, and that, in one case at least, that the command and control arrangements have been established.” Nonetheless, there is currently no reliable information about how many chemical or biological weapons Iraq might have ready for deployment, or what the plans for their use may be. Many assume there are such weapons in Iraq now and many also assume that Iraq has ballistic missiles with ranges longer than the U.N.-mandated 93mi/150km limit. Although press reports have mentioned that Iraq has fired medium-range missiles, this has not yet been verified. Few observers assume that Iraq has radiological or nuclear weapons that could be deployed.

Iraq’s delivery vehicles for chemical and biological weapons (BW) are relatively limited, according to most observers. Iraq is thought to have a couple of dozen SCUD missiles (with a 400-mile range), which can carry only a relatively small payload and are extremely inaccurate. Iraq also could use short-range rockets and artillery with biological and chemical munitions, but given the overwhelming U.S. airpower superiority, these are likely to be eliminated soon after they are spotted. Similarly, unmanned aerial vehicles armed with CW or BW, according to one report, “would make easy targets for U.S. fighter jets.”<sup>32</sup>

Some observers have looked to Iraq’s 1991 capabilities as a benchmark for what Iraq might have now. Back then, Iraq had deployable biological and chemical weapons and missiles, but no nuclear weapons. According to UNMOVIC, Iraq had thousands of short range rockets, artillery shells and bombs, and hundreds of tons of bulk agent at the time of the Gulf War.<sup>33</sup> Iraq had also produced 50 warheads to be filled with nerve agent for use with Al-Hussein missiles. Although Iraq did not use chemical weapons against U.S. and allied forces in the 1991 Gulf War, it had used chemical weapons extensively in the Iran-Iraq War.<sup>34</sup> The biological weapons program was not as far advanced in 1991, but at that time, Iraq had filled 25 Al-Hussein warheads and 157 R0-400 aerial bombs with anthrax, botulinum toxin, and aflatoxin and deployed them to four locations. Iraq also did not use those biological weapons in the 1991 Gulf War. There is some concern that Iraq may have developed more sophisticated delivery systems for BW and CW recently. The discovery of

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<sup>31</sup> “Intelligence Suggests Hussein Allowed Chemical-Weapon Use,” *Wall Street Journal*, March 24, 2003.

<sup>32</sup> *Ibid.*

<sup>33</sup> See UNMOVIC, *Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programs*, p. 139 [<http://www.un.org/Depts/unmovic/documents/cluster.htm>].

<sup>34</sup> *Ibid.*, p. 145. From 1983 to 1988, Iraq reportedly used 1800 tons of mustard, 140 tons of Tabun and 600 tons of Sarin delivered by about 19,500 chemical bombs, 54,000 chemical artillery shells, and 27,000 short-range rockets.

cluster munitions in late February by U.N. inspectors may point to this development.<sup>35</sup>

A key question is why and how Iraq would use WMD against U.S. forces. Although not used by Iraq in the 1991 Gulf War, some analysts believe that Saddam Hussein might be tempted to use WMD if his regime were threatened, which is an explicit goal of the current war. According to Charles Duelfer, a former UNSCOM deputy, high-ranking Iraqi officers told him that chemical weapons would have been used in 1991 if U.S. forces kept going to Baghdad.<sup>36</sup> Most military analysts believe that Iraq's use of WMD would be effective to instill fear and to slow a U.S. attack but would not reap battlefield advantages or cause the kinds of casualties they did in the Iran-Iraq war.

**Targeting WMD and WMD sites.** During the 1991 Gulf War, significant portions of Iraq's WMD and WMD capabilities were destroyed through airstrikes and later through destruction by ground forces. Iraq's chemical weapons and missile capabilities were well known to coalition forces. According to the International Institute for Strategic Studies, "The Gulf War ... devastated Iraq's primary CW production facilities and a large portion of its stockpile of CW munitions."<sup>37</sup> After the war, inspectors destroyed 38,500 munitions, 480,000 liters of chemical agents, and 1.8 million liters of precursor chemicals, leaving in question the fate of about 31,600 chemical munitions, 500 mustard gas bombs, and 4,000 tons of chemical precursors.

The 1991 Gulf War air strikes also destroyed much of the infrastructure supporting Iraq's ballistic missile program, including major industrial facilities that supported the program. Of the ten major facilities, five were bombed in the Gulf War and three more were targeted during the 1998 Desert Fox operation. Of the 819 ballistic missiles Iraq declared in 1991, more than half (516) were expended against Iran prior to the Gulf War; about 93 were destroyed in the Gulf War, another 85 destroyed by Iraq, and 48 destroyed by U.N. inspectors afterward. As reported widely, coalition forces were unable to target mobile missile launchers in 1991.

Air strikes in 1991 destroyed a smaller percentage of Iraq's nuclear and biological weapons programs, because these programs were not as well known at that time. For instance, 1991 air strikes damaged or destroyed the known nuclear sites (Al-Tuwaitha and uranium processing sites) but only lightly bombed the nuclear weapons design headquarters, Al-Atheer, which was only discovered later. Centrifuge-related sites were not bombed. With regard to biological weapons, there were eight BW-related facilities at the time of the Gulf War; only two were bombed (and two others later became inactive). UNSCOM inspectors destroyed the Al-Hakam facility in 1996, and Operation Desert Fox targeted other sites.

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<sup>35</sup> "The Pentagon's Scariest Thoughts," *New York Times*, March 20, 2003.

<sup>36</sup> "Chemicals Use Considered Less Likely," *Washington Post*, March 20, 2003.

<sup>37</sup> International Institute for Strategic Studies, *Iraq's Weapons of Mass Destruction*, September 2002.

It is unclear whether U.S. air forces are targeting WMD facilities, but there appear to be incentives for U.S. forces to preserve evidence rather than destroy it immediately. In addition to supporting the rationale for war against Iraq, corraling WMD capabilities could help limit the environmental and health consequences and help control against possible terrorist acquisition in a situation of chaotic destruction. The Department of Defense has assembled disarmament teams to hunt on the ground in Iraq for WMD. These teams include former UNSCOM inspectors, civilians from the Department of Energy and Justice, and military personnel. According to one source, the teams will not be “blowing up munitions and destroying things if they do not pose an immediate threat. We will secure it and then come back, when we’re in a permissive environment, to destroy the material in a way that’s safe to civilians and soldiers.”<sup>38</sup> In addition, the Defense Threat Reduction Agency (DTRA) has issued a 170-page booklet to U.S. ground forces with information on identifying WMD facilities, vehicles, equipment, key components and possible hazards. Most pages of the booklet contain a variation on the admonition “Do not disturb or destroy.” On March 23, U.S. special forces took over a large industrial facility near the city of Najaf, which is being investigated to determine if it produces chemicals for chemical weapons.<sup>39</sup>

**Possible Health and Environmental Effects.** The destruction of Iraqi biological or chemical weapons by U.S. and coalition forces could have health and environmental consequences for U.S. troops and Iraqis, but it is impossible to predict the impact because there are so many variables. Some variables to consider include what kind of WMD is present (e.g., biological weapons pose fewer problems in destruction than chemical weapons, because dispersal is less likely and they do not require such high temperatures for destruction); how the material or weapons are stored; how much control can be exerted over the destruction; and geographic, geological, and temporal circumstances. Probably the greatest chance for minimizing health/environmental impact lies in controlled destruction, where the time and place and method of destruction could be chosen. Presumably, this would take place on the ground and not necessarily during the war, but shortly thereafter. During the war, the impact could vary depending on what kind of ordnance is used and whether it is destroyed from the air or on the ground.

Although WMD capabilities in Iraq have been bombed before, during Operation Desert Storm in 1991 and Operation Desert Fox in 1998, there have been few assessments of the health and environmental impact of destroying WMD and WMD materials. In some instances, U.N. inspectors conducted ad hoc assessments to determine the safety of their own inspectors. For example, the IAEA measured radioactivity levels at Al-Tuwaitha, a nuclear facility bombed during the 1991 war to determine if it was safe enough to inspect. A more critical circumstance is the possible inadvertent destruction of WMD by U.S. ground forces. During the 1991 Gulf War, U.S. and coalition forces destroyed warehouses that contained chemical warheads. The Khamisiyah site, for example, was bombed over six days and after the ceasefire, ground forces began destroying munitions. These incidents were investigated by the Department of Defense, which issued a final report in April

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<sup>38</sup> “U.S. Reaps New Data on Weapons,” *Washington Post*, March 20, 2003.

<sup>39</sup> “Seized Facility Attracts Interest,” *Los Angeles Times*, March 24, 2003.

2002.<sup>40</sup> The report noted that “In the Gulf War, soldiers’ training included identifying potential chemical weapons by their distinctive markings or physical characteristics,” and that “Properly employed, chemical warfare agent detection equipment possibly can prevent the accidental destruction of munitions containing chemical warfare agents.” According to one report, the United States’ nuclear, biological and chemical (NBC) units “have made major advancements since the Persian Gulf War of 1991,” when Czech NBC units detected sarin and mustard gas, but American detection units could not verify the results.<sup>41</sup>

**Preventing Transfer of WMD to Terrorists.** Iraq’s alleged support of terrorism is one of the justifications put forward for disarming Iraq quickly. Although there is no evidence either in the past or the present for Iraq sharing its WMD technologies, capabilities, or materials with terrorists, there is also no guarantee that this could not happen. Media have reported that U.S. warplanners likely will want to encircle and guard key WMD sites rather than destroy them, primarily to obtain evidence of Iraq’s WMD, but this approach could also help prevent the transfer of capabilities by keeping facilities and personnel intact. Chaos, such as was predicted during the fall of the Soviet Union, could provide opportunities for those seeking WMD capabilities.

**Role for U.N. Inspectors?** As U.N. staff (about 200) left Iraq on March 18, UNMOVIC’s Executive Chairman Dr. Hans Blix expressed disappointment at the unfinished job of the inspectors. At that time, he noted that the U.N. had not been asked to help verify whatever WMD U.S. forces might uncover; other media reports that the White House specifically decided to exclude UNMOVIC and the IAEA.<sup>42</sup>

From November 2002 to March 2003, UNMOVIC and the IAEA conducted approximately 750 inspections at 550 sites. Those inspections uncovered relatively little: empty chemical weapons shells not previously declared; two complete R-400 aerial bombs at a site where Iraq unilaterally destroyed BW-filled aerial bombs; 2,000 pages of undeclared documents on uranium enrichment in a private home; undeclared remotely piloted vehicles with wing spans of 7.5 meters; and cluster bombs that could be used with chemical or biological agents. As a result of the inspections, however, Iraq destroyed 70 (of a potential 100-120) Al-Samoud-2 missiles. The most comprehensive list of unresolved disarmament issues was outlined in the draft document Dr. Blix presented to the Security Council on March 7, *Unresolved Disarmament Issues: Iraq’s Proscribed Weapons Programs*.<sup>43</sup>

It remains to be seen whether an ongoing inspection regime would still be required in a post-war Iraq. At a minimum, the IAEA will conduct inspections per Iraq’s nuclear safeguards agreement under the Nuclear Non-Proliferation Treaty. A post-Hussein Iraq might consent to sign and ratify the Chemical Weapons Convention, but there are no equivalent international inspection regimes for

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<sup>40</sup> [[http://www.gulflink.osd.mil/khamisiyah\\_iii](http://www.gulflink.osd.mil/khamisiyah_iii)]

<sup>41</sup> “Toxin Specialists Can Aid, Not Invade,” *Washington Times*, March 21, 2003.

<sup>42</sup> “U.S. Reaps New Data on Weapons,” *Washington Post*, March 20, 2003.

<sup>43</sup> See [<http://www.un.org/Depts/unmovic/documents/cluster.htm>].

biological weapons or missiles at present.<sup>44</sup> The world community's confidence in Iraq's disarmament, and hence, the necessity for an ongoing monitoring regime, may depend on the level of verifiable disarmament during and after the war, and on the assurances of the future leaders of Iraq.

### **CRS Products**

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy.*

CRS Report RL31671, *Iraq: U.N. Inspections for Weapons of Mass Destruction.*

CRS Report RS21376, *Iraq: WMD-Capable Ballistic Missiles and Unmanned Aerial Vehicles (UAVs).*

## **Post-War Iraq**

**Kenneth Katzman, 7-7612**

*(Last updated March 24, 2003)*

The same U.S. concerns about fragmentation and instability in a post-Saddam Iraq that surfaced in prior administrations have been present in the recent debate over Iraq policy. One of the concerns cited by the George H.W. Bush Administration for ending the 1991 Gulf war before ousting Saddam was that a post-Saddam Iraq could dissolve into chaos. It was feared that the ruling Sunni Muslims, the majority but under-represented Shiites, and the Kurds would divide Iraq into warring ethnic and tribal factions, opening Iraq to influence from neighboring Iran, Turkey, and Syria. Because of the complexities of various post-war risks to stability in Iraq and the region, some observers believe that Iraq might most effectively be governed by a military or Baath Party figure who is not necessarily committed to democracy but would comply with applicable U.N. resolutions. Administration statements, however, continue to express a strong commitment to democratizing Iraq.

**Current Planning Efforts.** The Administration asserts that it will do what is necessary to bring about a stable, democratic successor regime that complies with all applicable U.N. resolutions. Senior State Department and Defense Department officials testified before the Senate Foreign Relations Committee on February 11, 2003 that there would likely be at least a 2-year period before governance of Iraq could be transferred from the U.S. military to an Iraqi administration.<sup>45</sup> However, some Iraqi opposition figures who have met with Administration officials in mid-March 2003 said that the Administration might be leaning toward a more rapid turnover to an Iraqi interim administration than was initially planned, particularly if U.S. occupation forces encounter resistance and take heavy casualties. The Chief of

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<sup>44</sup> The Biological and Toxin Weapons Convention, which Iraq has ratified, has no associated inspection regime at the present time.

<sup>45</sup> "American Officials Disclose 2-Year Plan to Rebuild Iraq," *New York Times*, February 12, 2003.



Staff of the Army, General Eric Shinseki, told the Senate Armed Services Committee on February 24 that as many as 200,000 U.S. troops might be needed for a postwar occupation, although other Administration officials have disputed the Shinseki assessment.

U.S. officials have said that Lt. Gen. Jay Garner (ret.) would direct U.S. civilian occupation forces, which are to include U.S. diplomats and other U.S. government personnel serving as advisers and administrators in Iraq's various ministries. Cable News Network reported on March 7, 2003 that the Administration plans to administer post-war Iraq by appointing one administrator each for a northern, southern, and a central region. During the interim period, the United States would eliminate remaining WMD, eliminate terrorist cells in Iraq, begin economic reconstruction, and purge Baath Party leaders. Iraq's oil industry would also be rebuilt and upgraded.

The exiled Iraqi opposition, including those groups most closely associated with the United States, generally opposes a major role for U.S. officials in running a post-war Iraqi government, asserting that Iraqis are sufficiently competent and unified to rebuild Iraq after a war with the United States. The opposition groups that have been active over the past few years, such as the Iraqi National Congress, believe that they are entitled to govern post-Saddam Iraq, and fear that the Administration might hand power to those who have been part of the current regime. For now, the Administration has rebuffed the opposition and decided not to back a "provisional government," composed of Iraqi oppositionists. Nonetheless, the opposition met in northern Iraq in late February 2003, with White House special envoy Zalmay Khalilzad attending, to plan their involvement in a post-Saddam regime. On February 11, Iraqi exile opposition leaders reiterated their strong opposition to the installation of a U.S. military governor in post-war Iraq<sup>46</sup> and against U.S. urging, the opposition has named a six-man council that is to prepare for a transition government if and when Saddam Hussein is ousted. The six are Iraqi National Congress director Ahmad Chalabi; Patriotic Union of Kurdistan leader Jalal Talabani; Kurdistan Democratic Party leader Masud Barzani; Shiite Muslim leader Mohammad Baqr Al Hakim, who heads the Supreme Council for the Islamic Revolution in Iraq (SCIRI); Iraq National Accord leader Iyad Alawi; and former Iraqi foreign minister Adnan Pachachi.

Some believe that of the opposition groups, SCIRI is the best organized and can draw on support from its patrons in Iran. SCIRI controls militia units called the "Badr Brigades," which are reportedly supported by Iran's highly motivated Revolutionary Guard and have been active against Iraqi forces in southern Iraq for the past decade. In early March 2003, some Badr Brigade fighters entered northern Iraq, far from their traditional base in the south, possibly to position themselves to seize a share of power in cities in northern and central Iraq. Others believe that there are ex-military officers who might rally remnants of the Iraqi armed forces into a new U.S.-backed Sunni Muslim-dominated regime.

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<sup>46</sup> "Exile Group Leaders Fault U.S. Plan for Postwar Iraq," *Washington Post*, February 12, 2003.

As part of the post-war planning process, the U.S. State Department is reportedly running a \$5 million “Future of Iraq” project in which Iraqi exiles are meeting in working groups to address issues that will confront a successor government.<sup>47</sup> The working groups in phase one of the project have discussed (1) transitional justice; (2) public finance; (3) public and media outreach; (4) democratic principles; (5) water, agriculture, and the environment; (6) health and human services; and (7) economy and infrastructure. Phase two, which began in late 2002, includes working groups on (8) education; (9) refugees, internally-displaced persons, and migration policy; (10) foreign and national security policy; (11) defense institutions and policy; (12) free media; (13) civil society capacity-building; (14) anti-corruption measures; (15) oil and energy; (16) preserving Iraq’s cultural heritage; and (17) local government. It is not yet known what influence, if any, these working groups will have on any post-war regime decision-making in Iraq.

**Reconstruction/Humanitarian Effects.** On January 20, 2003, President Bush ordered the formation of post-war planning office called the Office of Reconstruction and Humanitarian Assistance, within the Department of Defense. The office is in the process of establishing links with U.N. agencies and non-governmental organizations that will play a role in post-war Iraq and forge links to counterpart organizations in countries that participate in U.S. military action against Iraq.

It is widely assumed that Iraq’s vast oil reserves, believed second only to those of Saudi Arabia, would be used to fund reconstruction. Presidential spokesman Ari Fleischer said on February 18, 2003, referring to Iraq’s oil reserves, that Iraq has “a variety of means ... to shoulder much of the burden for [its] own reconstruction.” Many observers have been concerned that an Iraqi regime on the verge of defeat could destroy its own oil fields. Iraq set Kuwait’s oil fields afire before withdrawing from there in 1991, but coalition forces say they have secured Iraq’s southern oil fields since combat began on March 19, 2003, and only about 9 oil wells were set on fire, of a total of over 500 oil fields in that region. The northern oil fields in Kirkuk and Mosul have not yet been captured by coalition forces, but there are no reports any are afire in those areas.

A related issue is long-term development of Iraq’s oil industry, and which foreign energy firms, if any, might receive preference for contracts to explore Iraq’s vast reserves. Russia, China, and others are said to fear that the United States will seek to develop Iraq’s oil industry with minimal participation of firms from other countries. Some press reports suggest the Administration is planning to exert such control,<sup>48</sup> although some observers speculate that the Administration had sought to create such an impression in order to persuade Russia to support use of force against Iraq.

**War Crimes Trials.** Analysts have debated whether Saddam Hussein and his associates should be prosecuted for war crimes. In late 2002, the Administration

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<sup>47</sup> “State Department Hosts Working Group Meeting for Future of Iraq Project,” *Washington File*, December 11, 2002.

<sup>48</sup> “After Saddam, an Uncertain Future,” *Insight Magazine*, February 3, 2003.

reportedly had reached a consensus that Saddam and his inner circle would be tried in Iraq.<sup>49</sup> The Administration has been gathering data for a potential trial of Saddam and 12 of his associates, including his two sons Uday and Qusay. The U.S. ultimatum delivered March 17 is limited to Saddam and the two sons, leaving it unclear whether the Administration will consider other members of his inner circle as war criminals if they are captured in the course of the war. The *New York Times* reports that U.S. intelligence has catalogued and categorized about 2,000 members of the Iraqi elite, segmenting them into those that might be tried as war criminals, those that might quickly defect to the U.S. side in the event of war, and those that already could be considered opposed to Saddam or whose expertise would be crucial to running post-war Iraq.<sup>50</sup>

### CRS Products

CRS Report RL31339, *Iraq: U.S. Efforts to Change the Regime.*

CRS Report RL31585, *Possible U.S. Military Intervention in Iraq: Some Economic Consequences.*

CRS Report RS21404, *U.S. Occupation of Iraq? Issues Raised by Experiences in Japan and Germany.*

## Burden Sharing

Carl Ek (7-7286)

(Last updated March 24, 2003)

In November 2002, the U.S. government reportedly contacted the governments of 50 countries with specific requests for assistance in a war with Iraq. On March 18, 2003, the Administration released a list of 30 countries that have publicly stated their support for U.S. efforts to disarm Iraq, and Secretary of State Powell said that 15 other countries were giving private backing; four days later, the number of countries publicly providing a range of types of support had grown to 46.<sup>51</sup> Nevertheless, only three countries have supplied ground combat troops in significant numbers— in contrast to the 1991 Gulf war when more than 30 countries provided military support or to the 2002 campaign in Afghanistan, when 21 sent armed forces.<sup>52</sup>

**Political and Military Factors.** On the international political front, analysts contend that it is important for the United States to enlist allies in order to demonstrate that it is not acting unilaterally – that its use of force to disarm Iraq has been endorsed by a broad global coalition. Although the political leaders of some

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<sup>49</sup> “U.S. Seeks War Crimes Trial Data.,” *Washington Post*, October 30, 2002.

<sup>50</sup> “U.S. Lists Iraqis to Punish, or to Work With,” *New York Times*, February 26, 2003.

<sup>51</sup> “U.S. Names 30 Countries Supporting War Effort,” *Washington Post*, March 19, 2003.

<sup>52</sup> “Coalition: Only Three Allies Send Combat Troops,” *Financial Times*, March 18, 2003. “The ‘Coalition of the Willing’ – How Willing and Why?,” *WMRC Daily Analysis*, March 21, 2003.

Islamic countries are reportedly sympathetic to the Bush Administration's aims, they must consider hostility to U.S. actions among their populations. Analysts have suggested that some countries have sided with the United States out of mixed motives; former U.S. ambassador to NATO Robert Hunter characterized the nations backing U.S. policy as "a coalition of the convinced, the concerned, and the co-opted."<sup>53</sup>

From a strictly military standpoint, active allied participation is not critical. NATO invoked Article 5 (mutual defense) shortly after the September 11, 2001 attacks against the United States, but during the subsequent war in Afghanistan, the United States initially relied mainly on its own military resources, accepting only small contingents of special forces from a handful of other countries. Allied combat and peacekeeping forces arrived in larger numbers only after the Taliban had been defeated. Analysts speculate that the Administration chose to "go it alone" because the unique nature of U.S. strategy, which entailed special forces ground units locating and then calling in immediate air strikes against enemy targets, necessitated the utmost speed in command and communications.<sup>54</sup> An opposing view is that the United States lost an opportunity in Afghanistan to lay the political groundwork for an allied coalition in the conflict against terrorism. However, during *Operation Allied Force* in Kosovo in 1999, some U.S. policy-makers complained that the requirement for allied consensus hampered the military campaign with a time-consuming bombing target approval process. Another military rationale for having primarily U.S. forces conduct operations against Iraq is that few other countries possess the military capabilities (e.g., airborne refueling, air lift, precision guided munitions, and night vision equipment) necessary for a high-tech campaign designed to achieve a swift victory with minimum Iraqi civilian and U.S. casualties.

**Direct and Indirect Contributions.** Britain, the only other country that had warplanes patrolling the no-fly zones in Iraq, has sent or committed 45,000 ground troops, as well as air and naval forces, and Australia has committed 2,000 special forces troops, naval vessels, and fighter aircraft. Poland and South Korea are contributing 200 and 700 noncombat personnel, respectively, and Spain and Denmark have sent warships. Several countries – Bulgaria, the Czech Republic, Germany, Romania, Slovakia, and Ukraine – have pledged contingents of anti-chemical and -biological weapons specialists.<sup>55</sup> In response to Washington's request, Romania has dispatched non-combat troops (engineers, medics and military police), and about 1,000 U.S. personnel have been stationed in Constanța, which is acting as an "air bridge" to the Persian Gulf. Japan, constitutionally barred from dispatching ground troops, reportedly may also help in the disposal of chemical and biological

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<sup>53</sup> "U.S. Builds War Coalition With Favors – and Money," *USA Today*, February 25, 2003.

<sup>54</sup> "On Iraq, Can Too Many Troops Spoil A War?" *Christian Science Monitor*, January 22, 2003.

<sup>55</sup> Bratislava and Washington reportedly are discussing possible U.S. assistance in covering some of the costs of Slovakia's deployment. *Radio Free Europe/Radio Liberty*, February 26, 2003.

weapons, and has recently reinforced its fleet of naval vessels patrolling the Indian Ocean.<sup>56</sup>

Other forms of support are also valuable. For example, countries have granted overflight rights or back-filled for U.S. forces that might redeploy to Iraq from Central Asia or the Balkans: Canada is sending nearly 3,000 troops to Afghanistan, freeing up U.S. soldiers for Iraq. In addition, gaining permission to launch air strikes from countries close to Iraq reduces the need for mid-air refueling, allow aircraft to re-arm sooner, and enable planes to respond more quickly to ground force calls for air strikes; several countries, including Djibouti, Ethiopia, Kuwait, Spain, Italy, Portugal, Romania, and Bulgaria are allowing the use of their airbases and seaports. At the Bush Administration's request, the Hungarian government is allowing the use of an air base for the training of up to 3,000 Iraqi opposition members to assist coalition forces as non-combatant interpreters and administrators.<sup>57</sup>

On January 15, the United States formally requested several measures of assistance from the NATO allies, such as AWACS, refueling, and overflight privileges; the request was deferred. On February 10, France, Germany and Belgium vetoed U.S. and Turkish requests to bolster Turkish defenses on the grounds that it would implicitly endorse an attack on Iraq; German Chancellor Schroeder sought to sharpen the distinction by announcing that his government would provide defensive missiles and AWACS crews to help protect Turkey on a bilateral basis. The impasse was broken by an agreement over language indicating that such assistance "relates only to the defense of Turkey" and does not imply NATO support for a military operation against Iraq.<sup>58</sup> Despite the compromise, many observers believe the temporary rift may have lasting consequences for NATO.

The Bush Administration asked permission of the Turkish government to use Turkish bases and ports and to move American troops through southeast Turkey to establish a northern front against Iraq—a key issue for U.S. planners. The negotiations over troop access proceeded in tandem with discussions over a U.S. aid package.<sup>59</sup> An initial agreement was struck, permitting 62,000 U.S. troops in Turkey; in return, the United States was to provide \$6 billion in assistance. On March 1, however, the

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<sup>56</sup> "We'll Help, But um ... ah ...," *Economist*, February 15, 2003.

<sup>57</sup> "Canada Will Send 3,000 on Afghan Mission" *Toronto Globe and Mail*, February 13, 2003. "Hungary Approves US Request For Training Base For Iraqi Exiles," *Agence France Press*, December 18, 2002.

<sup>58</sup> NATO works on a consensus basis; France, Germany, Belgium and Luxembourg opposed the initial U.S. request. "NATO Blocked on Iraq Decision," *Washington Post*, January 23, 2003. At the end of January, however, eight European leaders signed an open letter supporting U.S. efforts to disarm Iraq. "European Leaders Declare Support for U.S. on Iraq," *Wall Street Journal*, January 30, 2003. That statement was followed by a declaration of support by the ten countries aspiring to join NATO. "Who Stands with U.S.? Europe Is of Two Minds," *New York Times*, January 31, 2003. "East Europeans Line Up Behind Bush," *International Herald Tribune*, February 6, 2003. "NATO Agrees to Begin Aid to Turkey," *Washington Post*, February 17, 2003.

<sup>59</sup> Israel, Jordan, and Egypt also reportedly have requested U.S. aid to offset possible effects of war. "Congress Questions Cost of War-Related Aid," *Washington Post*, March 17, 2003.

Turkish parliament by a 3-vote margin failed to approve the deal. Prime Minister Erdogan urged Washington to wait, but by March 18, the U.S. military cargo vessels that had been standing anchored off the Turkish coast were steaming toward the Gulf.<sup>60</sup> On March 20, the Turkish parliament authorized flyover rights for the coalition and also agreed to dispatch Turkish troops into northern Iraq, a move opposed by the United States and other countries. Some Members of Congress and other U.S. policymakers have criticized Turkey, claiming it sought to leverage U.S. strategic needs to squeeze a large aid package out of Washington. However, Turkish officials argue that more than 90% of their country's population opposes a war and that Turkey suffered severe economic losses from the 1991 Gulf War. Ankara also is concerned over the possibility that the Iraq conflict could re-kindle the efforts of Kurdish separatists to carve out a Kurdish state. Finally, Turkey has sought assurances that Iraq's 2-3 million ethnic Turkmen will be able to play a post-war role in Iraq.<sup>61</sup>

In late February 2003, Jordan's prime minister acknowledged the presence of several hundred U.S. military personnel on Jordanian soil; the troops were reportedly there to operate Patriot missile defense systems and to conduct search-and-rescue missions; the deployment marked a reversal from Jordan's neutral stance during the 1991 Gulf war.<sup>62</sup> Egypt is permitting the U.S. military to use its airspace and the Suez Canal. Although the Persian Gulf states generally opposed an attack on Iraq in public statements, between 225,000 and 280,000 U.S. military personnel are ashore or afloat in the region, and Saudi Arabia and Qatar host large U.S. military command centers; according to recent reports, the Saudi government has sanctioned limited use of the Prince Sultan airbase command center and will permit search-and-rescue operations to be conducted along the Saudi-Iraqi border. The Saudis also have pledged to step up their oil output to compensate for any drop in Iraqi production. Kuwait is serving as the launch pad for the U.S.-led ground attack against Iraq. In addition, five U.S. aircraft carriers are in the region.

**Post-Conflict Assistance.** After the 1991 Gulf War, several nations – notably Japan, Saudi Arabia and Germany – provided monetary contributions to offset the costs of the conflict; it is not yet known if such would be the case after a war against Iraq. However, U.S. policymakers hope that many countries will contribute to caring for refugees and to the post-war reconstruction of Iraq by providing humanitarian assistance funding, programs for democratization, as well as peacekeeping forces. Several countries, including France, Japan, Sweden, Russia, and Romania have indicated that they might play a role.

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<sup>60</sup> However, some U.S. military equipment apparently was off-loaded and trucked to the Iraqi border. "U.S. Continues Military Buildup In Turkey Despite Access Denial," *Wall Street Journal*, March 11, 2003.

<sup>61</sup> "Turkey Conditions Troop Deployment on More U.S. Aid," *Washington Post*, February 19, 2003; "Turkey Seems Set To Let 60,000 G.I.'s Use Bases For War," *New York Times*, February 26, 2003. "Turkey Needs Week or More to Reconsider U.S. Request," *New York Times*, March 4, 2003; "Turkey Says It May Alter Decision on Use Of Bases," *Washington Post*, March 18, 2003.

<sup>62</sup> "U.S. Troops Deployed In Jordan," *Boston Globe*, February 25, 2003.

**CRS Products**

CRS Report RL31794, *Iraq: Turkey and the Deployment of U.S. Forces.*

CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy, 2003.*

**Implications for the Middle East**

**Alfred B. Prados, 7-7626**

*(Last updated March 24, 2003)*

The current U.S.-led military campaign to disarm Iraq and end the regime of Iraqi President Saddam Hussein could have widespread effects on the broader Middle East. Demographic pressures, stagnant economic growth, questions over political succession, and festering regional disputes already raise many uncertainties regarding the future of the Middle East. Although some have voiced fears that Iraq might fragment along ethnic or sectarian lines as a by-product of the war, a redrawing of regional boundaries as occurred after World War I (and to a lesser extent World War II) is highly unlikely; however, political realignments could take place, along with new alliances and rivalries that might alter long-standing U.S. relationships in the region.

The opportunity to craft a new government and new institutions in Iraq might increase U.S. influence over the course of events in the Middle East. Conversely, U.S. military intervention could create a significant backlash against the United States, particularly at the popular level, and regional governments might feel even more constrained in accommodating U.S. policy goals. Middle East governments providing support to the U.S. effort against Iraq are doing so with minimal publicity and will expect to be rewarded with financial assistance, political support, or both, in the war's aftermath. In some cases, even the promise of increased aid has been insufficient to obtain support for U.S. military operations against Iraq. Turkey, a long-standing U.S. ally, appears to have forfeited a proposed U.S. aid package when the Turkish parliament did not approve a U.S. request for U.S. troops to pass through Turkish territory en route to Iraq.

**Democracy and Governance.** Some commentators believe that the war with Iraq, if it culminates in the overthrow of Saddam Hussein, will lead to a democratic revolution in large parts of the Middle East. The Bush Administration itself has repeatedly expressed support for the establishment of a more democratic order in the Middle East, although skeptics point out that key U.S. allies in the region have authoritarian regimes. Some link democracy in the Middle East with a broader effort to pursue development in a region that has lagged behind much of the world in economic and social spheres, as well as in individual freedom and political empowerment. In a speech at the Heritage Foundation on December 12, 2002, Secretary of State Colin Powell announced a three-pronged "Partnership for Peace" initiative designed to enhance economic development, improve education, and build institutions of civil society in the Middle East. Separately, Crown Prince Abdullah of Saudi Arabia has reportedly proposed an "Arab Charter" that would encourage wider political participation, economic integration, and mutual security measures.

In his ultimatum to Saddam Hussein on March 17, 2003, President Bush commented that after Saddam departs from the scene, the Iraqi people “can set an example to all the Middle East of a vital and peaceful and self-governing nation.” The President promised that the United States would work for liberty and peace in the Middle East region.

Democratic reform in the Middle East, however, is likely to entail trade-offs and compromises that may affect U.S. strategic plans in the region. Critics have often charged that U.S. Middle Eastern policy is overly tolerant of autocratic or corrupt regimes as long as they provide support for U.S. strategic or economic objectives in the region. Some commentators imply that U.S. pursuit of democracy in the Middle East is likely to be uneven, effectively creating an “exemption” from democracy for key U.S. allies. Other critics argue that the minimal amount of assistance contained in the Powell initiative (\$29 million during the first year) reflects only a token effort to support democratization and development, although the Administration is requesting significantly more funding for this initiative—\$145 million—in FY2004. Arab reactions to the Powell initiative tended to be cool, some arguing that the United States should deal with Arab-Israeli issues first. Still others fear that more open political systems could lead to a takeover by Islamic fundamentalist groups, who often constitute the most viable opposition in Middle East countries, or by other groups whose goals might be inimical to U.S. interests. Finally, some are concerned that lack of prior experience with democracy may inhibit the growth of democratic institutions in the Middle East.

**Arab-Israeli Peacemaking.** Administration officials and other commentators argue that resolving the present crisis with Iraq will create a more favorable climate for future initiatives to resume currently stalled Arab-Israeli peace negotiations. Proponents of this view cite the experience of the first Bush Administration, which brought Arabs and Israelis together in a landmark peace conference at Madrid in 1991, after first disposing of the Iraqi occupation of Kuwait. Many believe that the then Bush Administration secured wide Arab participation in the coalition to expel Iraq from Kuwait by promising a major post-war effort to address the Arab-Israeli conflict. Officials of the present Bush Administration continue to speak of their vision of pursuing an Arab-Israeli peace settlement after eliminating current threats from Iraq. In a statement to the press on March 14, 2003, President Bush affirmed that “America is committed, and I am personally committed, to implementing our road map toward peace” between Arabs and Israelis.

Others believe that U.S. priorities should be reversed, arguing that the current stalemate in Arab-Israeli negotiations, together with on-going violence between Israelis and Palestinians, poses a greater potential threat to U.S. interests than Iraq. They point out that support in the Middle East for a U.S.-led coalition against Iraq is far weaker than it was in 1991, and argue that cooperation from Arab and Muslim states will remain limited and reluctant as long as Arab-Israeli issues continue to fester. They warn that disillusionment over the present stalemate in Arab-Israeli negotiations, combined with the war against Iraq, runs the risk of inflaming popular opinion against the United States and encouraging an increase in anti-U.S. terrorism.

**Security Arrangements in the Gulf Region.** Large-scale deployment of U.S. troops to the Middle East to wage war against Iraq and the likelihood of a



continued major U.S. military presence in the region will exert added pressures on Middle East governments to accommodate U.S. policies in the near term. However, some fear that long-lasting major U.S. military commitments in the region, could heighten resentment against the United States from Islamic fundamentalists, nationalists, and other groups opposed to a U.S. role in the Middle East; such resentment could manifest itself in sporadic long-term terrorism directed against U.S. interests in the region. Even friendly Middle East countries may eventually seek a reduction in U.S. military presence. According to a *Washington Post* report on February 9, 2003, Saudi Arabia's Crown Prince Abdullah plans to request the withdrawal of U.S. armed forces from Saudi territory after Iraq has been disarmed. U.S. and Saudi officials declined to comment on this report, which an unnamed White House official described as "hypothetical." Periodic dissension within the Arab world could also affect future security arrangements in the Middle East, particularly any arrangements involving the United States.<sup>63</sup>

### **CRS Products**

CRS Report RS21325, *Iraq: Divergent Views on Military Action*.

CRS Report RL31533, *The Persian Gulf: Issues for U.S. Policy*.

CRS Issue Brief IB92117, *Iraq: Weapons Threat, Compliance, Sanctions, and U.S. Policy*.

## **Humanitarian Issues**

**Rhoda Margesson, 7-0425**

*(Last updated March 24, 2003)*

With the start of war on March 19, 2003 the humanitarian situation in Iraq shifted into a new phase. Earlier, there were reports of Kurdish civilians either leaving cities located in possible combat zones or safeguarding their homes with sheets of plastic in the event of a chemical attack by Hussein. In Baghdad, civilians bought water and canned food, converted currency, and filled gas tanks in preparation for war. On March 18, the U.N. Secretary-General Kofi Annan authorized an immediate withdrawal of United Nations (U.N.) personnel from Iraq and suspended the Oil-for-Food Program (OFFP).<sup>64</sup> As the bombing campaign got underway, there were reports of civilian casualties in Baghdad. Internal population movements continued mainly in the north. Third Country Nationals (TCNs) represented the main bulk of individuals leaving Iraq.

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<sup>63</sup> Unprecedented strife erupted between several Middle East leaders at meetings of the 22-member Arab League and the 56-member Organization of the Islamic Conference in early March 2003, partly over the question of defense ties with the United States and its allies. "An Arab House, Openly Divided," *Washington Post*, March 9, 2003.

<sup>64</sup> Iraq appears to still be allowed to export oil via Turkey as U.N. staff were evacuated only from inside Iraq.

**Background.** It is widely believed that the current humanitarian situation inside Iraq will worsen as a result of the war, though to what degree will depend on the nature and duration of the conflict and the extent and quality of humanitarian assistance. It is anticipated that problems could arise from malnutrition and disruption of food supplies, inadequate sanitation and clean water, and reduced health and medical care. The impact of the war in Iraq could also include a potential humanitarian emergency with population movements across borders or within Iraq itself. Although any predictions are highly speculative, before the war began, the United Nations reportedly expected that 600,000 to 1.45 million refugees and asylum seekers might flee Iraq, 2 to 3 million could become internally displaced, and 4.5 to 10 million inside Iraq (nearly 40% of the Iraqi population) could require food assistance within weeks.<sup>65</sup> Some argued that supplies of water, food, medicine, and electricity were already a matter of urgent concern.<sup>66</sup>

Until it was suspended, U.N. and other humanitarian agencies were providing aid to Iraq through the OFFP, which used revenue from Iraqi oil sales to buy food and medicines for the civilian population.<sup>67</sup> Since 1996, the OFFP has alleviated some of the worst effects of the sanctions, but there is great dependence on government services. Iraq's population is estimated to be between 24 and 27 million people, of which 60% have been receiving monthly food distributions under the OFFP. Sources say that families cannot make their rations last the full month or they need to sell part of them for other necessities – leaving many people without any food stored in reserve and more vulnerable. Most of the warehouses that store food in OFFP are now empty, which means there are few reserves within Iraq. Reportedly, Administration officials have indicated that once the military gains control, the OFFP will be restarted.

**Contingency Planning.** War is disrupting critical infrastructure, delivery of basic services, and food distribution. Aid organizations have been planning for humanitarian needs amid great uncertainty about conditions in the aftermath of conflict. They report that emergency supplies such as water, food, medicine, shelter materials, and hygiene kits are in place in countries bordering Iraq. Some are concerned that there is still a lack of resources available to help refugees. There are also concerns about the absorptive capacity of neighboring countries, whether they can provide adequately for these populations, and the impact of refugee flows on stability in the region. Iran, Turkey, Jordan, Syria, Saudi Arabia, and Kuwait have all publicly stated that they will prevent refugees from entering their countries, although each continues to make preparations for assistance either within Iraq's borders or at transit areas at border crossing points.

On January 20, 2003, a presidential directive established the Office of Reconstruction and Humanitarian Assistance in the Pentagon to prepare for war and

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<sup>65</sup> “Shortfall Imperils U.N.’s Iraq Aid; Funds Sought for Humanitarian Work,” *Washington Post*, February 14, 2003.

<sup>66</sup> “Agencies Fear Consequences But Plan for War in Iraq; Iraq Stocks up Food Ahead of Possible US War.” *Turkish Daily News*, December 27, 2002.

<sup>67</sup> For more information about the Oil-for-Food Program (OFFP), see CRS Report RL30472, *Iraq: Oil-for-Food Program, International Sanctions, and Illicit Trade*.

post-war aid needs. The Office, headed by retired Army Lt. Gen. Jay M. Garner, is set up under the Department of Defense (DOD) but staffed by officials from agencies throughout the U.S. government, including the United States Agency for International Development (USAID) and the State Department. Civilian coordinators in charge of three substantive areas – humanitarian relief, reconstruction, and civil administration – and a fourth coordinator, responsible for communications, logistics, and budgetary support, are expected to work on the planning and implementation of assistance programs.<sup>68</sup> The Pentagon has stated that humanitarian agencies may not have access to all of Iraq immediately. According to planners, U.S. armed forces will initially take the lead in relief and reconstruction, later turning to Iraqi ministries, NGOs, and international organizations to assume some of the burden.<sup>69</sup> Since October 2002, USAID has also been putting together a Disaster Assistance Response Team (DART) and is making preparations to deal with the basic needs of one million people. The United States has 2.9 million humanitarian daily rations in place.

U.N. agencies have met with key donors to develop possible humanitarian scenarios and contingency plans, including the World Food Program (WFP), the United Nations High Commissioner for Refugees (UNHCR), the World Health Organization (WHO), established as head of the health coordination group, United Nation's Children's Fund (UNICEF), and the International Organization for Migration (IOM). U.N. Humanitarian Coordinator in Iraq, Ramiro Lopez da Silva, has set up an interim logistics hub in Cyprus. The WFP has enough food to feed 2 million people for one month. Although NGOs have also been putting together plans, the absence of international organizations and NGOs operating in and around Iraq means there are few networks in place and there is little experience on the ground.

**Operational Status: Latest Developments.** The International Committee of the Red Cross (ICRC) is the lead agency inside Iraq. In Baghdad, ICRC teams have visited the main hospitals to see approximately 100 wounded and provide additional medical supplies. Doctors Without Borders is also set up in Baghdad. Civilian casualties have been reported by the Iraqi health minister and on Al Jazeera TV, but none have been confirmed to date. ICRC staff also continued to monitor the quality and quantity of drinking water. In Basrah, the ICRC team restored clean water to approximately 40% of the city. In Kirkuk, emergency supplies were provided to aid agencies assisting internally displaced persons (IDPs). In northern Iraq, the ICRC continued to monitor the condition of the IDPs and provided emergency and non-aid items to displaced families.

Limited or no access by the United Nations and aid agencies makes it difficult to confirm reports of population displacement. According to the United Nations, checkpoints between the three northern governorates and government of Iraq controlled areas remained closed, limiting population movements; some reports estimate 5,000 people may have moved north. Unconfirmed numbers of IDPs within the north were estimated by some to be as high as 300,000 to 450,000, but 90% of

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<sup>68</sup> General Garner arrived in Kuwait on March 18 to oversee the potential postwar Iraq effort.

<sup>69</sup> "U.S. Military Lays Out Postwar Iraq Plan," *Washington Post*, February 12, 2003.

these were able to find local accommodation with friends and relatives. There are concerns that the Turkish-Iraqi border region is highly inaccessible for distribution of food aid. Few, if any refugees were moving out of Iraq, although some people were gathering close to the Iraq/Iran border in the south. The security situation remained stable over the weekend.

Asylum seekers have been reported at several border areas, but there were no confirmed arrivals. Third country nationals (TCNs) are authorized to cross the border shared by Saudi Arabia and Kuwait. It has been reported that 1,200 Egyptians crossed already with an additional 500 more expected. Moroccans and Yemenis also appear to be entering Syria. Others, including Sudanese, Malians, Eritreans, Djiboutians, and Somalians, have been trying to flee through Jordan. IOM and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) are providing assistance to TCNs at the borders and helping them with preparations for their onward journey to their home countries.

**Relief Planning.** Almost no humanitarian aid has reached inside Iraq since the war began. Military operations and logistical problems in the south have made it too dangerous to open supply routes and the situation on the ground is not secure enough for aid agencies to move in. Lack of water, food, and electricity is proving to be a problem for many Iraqis, and it is unclear when supplies will arrive. Moreover, looting and lawlessness on the one hand combined with bitterness towards the coalition forces on the other present additional problems. Once security is established, questions remain about delivery of aid and whether roads used by the military will be usable or whether separate supply routes will need to be put in place. The availability of cargo and water trucks (currently in short supply) are another concern; as is the distribution of relief, particularly in cities where the military is not gaining full control over population centers as they push north and keep the offensive moving towards Baghdad.

The now coalition-controlled Port Umm Qasr, Iraq's main outlet to the Persian Gulf, is a crucial gateway for humanitarian supplies. British forces are sweeping it for mines and hoping to open it by midweek. However, massive dredging and rebuilding is required to prepare the port for large cargo ships. In the meantime, offloading is slow and inefficient, and risks delay in the delivery and distribution of relief materials.

DOD has clearly stated that it is not the lead agency for humanitarian relief beyond "creating humanitarian space," but it is not known how assistance will be implemented in a postwar Iraq. According to the United Nations, diplomats began negotiating a new Security Council resolution to permit the adjustment of the OFFP to continue providing food aid to the Iraqi people during and following the war. New reports suggest that the United States and Britain have begun drafting a plan to use Iraqi oil proceeds in a \$40 billion U.N.-controlled account drawn from the OFFP. The plan has been submitted by Secretary-General Kofi Annan, who would set priorities on the humanitarian needs and supplies of Iraq. In keeping with this development, Secretary-General Kofi Annan has asked the Security Council to adopt a resolution authorizing him to administer humanitarian aid, including distribution of food under the OFFP, for Iraq. The Security Council has been trying to resolve its differences and come up with a plan this week, and Annan has also called a

meeting on March 26 in New York of top U.N. relief agencies to discuss coordination of aid.

Planning for eventual re-entry of humanitarian organizations is also underway. A first donor-NGO liaison meeting was held in Kuwait on March 21. After an assessment of security, aid agencies plan to conduct rapid evaluations of humanitarian needs, access, and logistics, and then establish bases within Iraq from which to start relief operations. Relief organizations fear that receiving protection from coalition-led forces could mean an increase in security risks for their staff.

**Funding and Other Assistance.** The total amounts being spent by the United States on contingency planning for humanitarian assistance and the projected funds required are not yet readily available. The Administration's request for an FY2003 supplemental appropriations, including additional aid for Iraq, is expected shortly. The United States has positioned \$154 million for Iraq's humanitarian relief, food distribution, and reconstruction. Of that amount, \$35 million has been spent to date on contingency planning with 17.3 million on prepositioning of commodities. The Bureau of Population, Refugees, and Migration (PRM) at the State Department has spent \$15.6 million; \$22 million has been allocated to the Emergency Refugee and Migration Account (ERMA).

The United Nations has appealed for \$123.5 million to provide humanitarian assistance and food, increase staffing for relief operations, develop joint services for the aid community, and prepare for post-war Iraqi relief. So far, it has received pledges of about \$45 million, with \$35 million received. The WFP continues to stockpile food near Iraq. During the week of March 17, the United States pledged to release 600,000 tonnes of food. Australia agreed to ship 100,000 tonnes.

Congress has been concerned about burden sharing, about how much the United States should pay in relation to other donors, aid priorities, and the possible use of oil revenues to offset humanitarian and reconstruction costs. Still to be determined is the role of the international donor community and neighboring countries in contributing to immediate post-war efforts. International contributions received so far from donors, including the EU, New Zealand, Australia, Spain, the UK, and Belgium amount to more than \$130 million. Others have provided assistance to neighboring countries to ease the humanitarian burden; for example, Japan has pledged \$104 million to Jordan and the Palestinian Authority; Russia is giving in-kind emergency supplies to Iran.

**CRS Products**

CRS Report RL31814, *Humanitarian Issues in Post-War Iraq: An Overview for Congress*.

CRS Report RS21454. *Iraq: Potential Post-War Foreign Aid Issues*.

CRS Report RL30472. *Iraq; Oil-For-Food Program, International Sanctions, and Illicit Trade*.

CRS Report RL31766. *Iraq: United Nations and Humanitarian Aid Organizations*.

## **International and Domestic Legal Issues Relating to the Use of Force**

**Richard Grimmett 7-7675; David Ackerman 7-7965**

*(Last Updated, March 21, 2003)*

The use of United States military force against Iraq necessarily raises a number of domestic and international legal issues – (1) its legality under Article I, § 8, of the Constitution and the War Powers Resolution; (2) its legality under international law if seen as a preemptive use of force; and (3) the effect of United Nations Security Council resolutions on the matter. The following subsections give brief overviews of these issues and provide links to reports that discuss these matters in greater detail.

**The Constitution and the War Powers Resolution.** The use of military force by the United States against Iraq necessarily raises legal questions under both the Constitution and the War Powers Resolution. Article I, Section 8, of the Constitution confers on Congress the power to “declare War”; and historically Congress has employed this authority to enact both declarations of war and authorizations for the use of force. Article II of the Constitution, in turn, vests the “executive Power” of the government in the President and designates him the “Commander in Chief of the Army and Navy of the United States ....” Because of these separate powers, and because of claims about the inherent authority that accrues to the President by virtue of the existence of the United States as a sovereign nation, controversy has often arisen about the extent to which the President may use military force without congressional authorization. While all commentators agree that the President has the constitutional authority to defend the United States from sudden attack without congressional authorization, dispute still arises concerning whether, and the extent to which, the use of offensive force in a given situation, as in Iraq, must be authorized by Congress in order to be constitutional.

The War Powers Resolution (WPR) (P.L. 93-148), in turn, imposes specific procedural mandates on the President’s use of military force. The WPR requires, *inter alia*, that the President, in the absence of a declaration of war, file a report with Congress within 48 hours of introducing U.S. armed forces “into hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances.” Section 5(b) of the WPR then requires that the President terminate the use of the armed forces within 60 days (90 days in certain circumstances) unless

Congress, in the interim, has declared war or adopted a specific authorization for the continued use of force. The WPR also requires the President to “consult” with Congress regarding uses of force.

In the present circumstance these legal requirements seemingly have been met and any controversy under domestic law about the President’s use of force resolved. As noted earlier in this report, P.L. 107-243, signed into law on October 16, 2002, authorizes the President “to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.” As predicates for the use of force, the statute requires the President to communicate to Congress his determination that the use of diplomatic and other peaceful means will not “adequately protect the United States ... or ... lead to enforcement of all relevant United Nations Security Council resolutions” and that the use of force is “consistent” with the battle against terrorism. On March 18, 2003, President Bush sent a letter to Congress making these determinations.

P.L. 107-243 also specifically states that it is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution” and, thus, waives the time limitations that would otherwise be applicable under the WPR. The statute also requires the President to make periodic reports to Congress “on matters relevant to this joint resolution.” The statute expresses congressional “support” for the efforts of the President to obtain “prompt and decisive action by the Security Council” to enforce Iraq’s compliance with all relevant Security Council resolutions, but it does not condition the use of force on prior Security Council authorization. The authorization does not contain any time limitation.

Finally, subsequent to enactment of the authorization twelve members of the House of Representatives, along with a number of U.S. soldiers and the families of soldiers, filed suit against President Bush seeking to enjoin any military action against Iraq on the grounds it would exceed the authority granted by the October resolution or, alternatively, that the October resolution unconstitutionally delegates Congress’ power to declare war to the President. On February 24, 2003, the trial court dismissed the suit on the grounds it raised a nonjusticiable political question; and on March 13, 2003, the U.S. Court of Appeals for the First Circuit affirmed, albeit on different grounds. The appellate court stated that, although the current mobilization clearly imposes hardships on the plaintiffs soldiers and family members, the current situation is too fluid to determine whether there is an irreconcilable conflict between the political branches on the matter; and, thus, the issues are not ripe for judicial review. On the nondelegation issue, the appellate court observed that the Constitution allows Congress to confer substantial discretionary authority on the President, particularly with respect to foreign affairs, and that in this instance there was no “clear evidence of congressional abandonment of the authority to declare war to the President.” “[T]he appropriate recourse for those who oppose war with Iraq,” the First Circuit concluded, “lies with the political branches.” *See Doe v. Bush*, 203 U.S. App. LEXIS 4477 (1<sup>st</sup> Cir. 2003).

**CRS Products**

CRS Electronic Briefing Book, *Terrorism, "War Powers: Statutory Authority for the Use of Force Against Iraq,"* available online from the CRS site at [<http://www.congress.gov/brbk/html/ebter226.html>].

CRS Electronic Briefing Book, *Terrorism, "War Powers: Domestic Legal Considerations"* [<http://www.congress.gov/brbk/html/ebter126.html>].

CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications.*

CRS Report RL30352, *War Powers Litigation Since the Enactment of the War Powers Resolution.*

**International Law and the Preemptive Use of Force.** In his speech to the United Nations on September 12, 2002, President Bush described the regime of Saddam Hussein in Iraq as “a grave and gathering danger,” detailed that regime’s persistent efforts to acquire weapons of mass destruction and its persistent defiance of numerous Security Council resolutions requiring Iraq to disarm, and raised the specter of an “outlaw regime” providing such weapons to terrorists. In that speech and others, the President left little doubt that, with or without U.N. support, the United States would act to force Iraq to disarm and otherwise abide by its past commitments and that the U.S. might well use military force to accomplish that objective.

The United States, with a number of allies, has now begun a military campaign against Iraq. Given that the United States has not itself been attacked by Iraq, one question that arises is whether this use of force, if considered apart from Security Council resolutions, is legitimate under international law. International law traditionally has recognized the right of States to use force in self-defense, and that right continues to be recognized in Article 51 of the U.N. Charter. That right has also traditionally included the right to use force preemptively. But to be recognized as legitimate, preemption has had to meet two tests: (1) the perceived threat of attack has had to be imminent, and (2) the means used have had to be proportionate to the threat.

In the past the imminence of a threat has usually been readily apparent due to the movement of enemy armed forces. But the advent of terrorism, coupled with the potential availability of weapons of mass destruction, has arguably altered that equation. The Bush Administration, in particular, has contended that “we must adapt the concept of imminent threat to the capabilities and objectives of today’s ... rogue states and terrorists” and allow what has in the past been deemed “preventive” rather than preemptive war.<sup>70</sup> With respect to Iraq, the Administration has asserted that we are proceeding on the basis of our “inherent right of self defense, recognized in Article 51 of the UN Charter.” But there is doubt that the traditional criterion of

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<sup>70</sup> White House, *The National Security Strategy of the United States of America* (Sept. 2002), at 15.



threat of imminent attack has been met. If it is not deemed to have been met, the use of force against Iraq arguably implements an expanded doctrine of preemption and seemingly could presage similar uses of force against other states deemed to be potential threats. Thus, the use of force against Iraq provides a singular opportunity to examine whether the legal standards governing preemption ought to be reformulated. Indeed, the justifications proffered by the U.S. and its allies for the use of force in this instance, if not successfully challenged, could well shape what in the future comes to be deemed a lawful preemptive use of force.

### CRS Products

CRS Report RS21314, *International Law and the Preemptive Use of Force Against Iraq*.

CRS Report RS21311, *U.S. Use of Preemptive Military Force*.

**Security Council Authorization.** Prior to widespread adoption of the Charter of the United Nations (U.N.), international law recognized a nation's use of force against another nation as a matter of sovereign right. But the Charter was intended to change this legal situation. The Charter states one of its purposes to be "to save succeeding generations from the scourge of war." To that end it mandates that its member states "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations" and that they "settle their disputes by peaceful means ...." It also creates a system of collective security under Chapter VII to maintain and, if necessary, restore international peace and security, effectuated through the Security Council. While that system was often frustrated by the Cold War, the Security Council has directed its member states to impose economic sanctions in a number of situations and to use military force in such situations as Korea, Iraq's invasion of Kuwait, and the Balkans. In addition, the Charter in Article 51, as noted above, continues to recognize the "inherent right" of States to use force in self-defense.

On March 17, 2003, the United States, Great Britain, and Spain abandoned efforts in the Security Council to obtain an explicit authorization for the use of force against Iraq. Nonetheless, the U.S. and Great Britain have both contended that earlier resolutions of the Security Council adopted in the wake of Iraq's invasion of Kuwait in 1990 provide sufficient and continuing authority for the use of force against Iraq. After a number of resolutions calling on Iraq to withdraw had gone unheeded, the Council in Resolution 678, adopted on November 29, 1990, authorized Member States "to use all necessary means to uphold and implement Resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area." Following the conflict, the Council on April 3, 1991, adopted Resolution 687, which set forth numerous obligations that Iraq had to meet as conditions of securing a cease-fire, including total disarmament and unconditional agreement not to develop or acquire chemical, biological or nuclear weapons or facilities or components related to them. Resolution 687 specifically reaffirmed previous U.N. resolutions on Iraq, including Resolution 678. Thus, the Attorney General of Great Britain in a legal opinion released on March 17 and the White

House in a report released on March 19 contend that “a material breach of resolution 687 revives the authority to use force under resolution 678.” Noting that the Council in Resolution 1441 last fall had, once again, determined Iraq to be in material breach of its disarmament obligations and contending that Iraq has breached its obligations under that resolution as well, both argue that the current use of force is lawful.

Nonetheless, that does not appear to be the view of a number of members of the Security Council, including some of the permanent members. These states emphasize that Resolution 1441, while deeming Iraq to be in “material breach” of its obligations under earlier resolutions, imposed “an enhanced inspections regime” in order to give Iraq “a final opportunity to comply with its disarmament obligations,” and stated that Iraq would face “serious consequences” if it continued to fail to meet its obligations. They also emphasize that Resolution 1441 did not itself authorize Member States to use force but mandated that the Council “convene immediately” in the event Iraq interfered with the inspections regime or otherwise failed to meet its disarmament obligations. Thus, they conclude, Resolution 1441 contemplated that the use of force against Iraq would be legitimate only upon the adoption of another resolution.

### **CRS Products**

CRS Report RS21323, *The United Nations Security Council – Its Role in the Iraq Crisis: A Brief Overview*.

CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Resolutions Texts – 1992-2002*.

### **Cost Issues**

**Stephen Daggett, 7-7642; Amy Belasco, 7-7627**

*(Last updated March 24, 2003)*

Currently, the Defense Department is financing the mobilization of forces and the deployment of troops and equipment for a war with Iraq using regular FY2003 funding with many billions already expended for the deployment of troops and equipment. The war-related FY2003 supplemental is widely expected to be delivered to Congress during the week of March 24, although further delays are possible.

The House completed its consideration of this year’s budget resolution on March 20, 2003 and included the President’s proposed tax cut; the Senate is slated to complete its debate on the resolution on March 26, 2003. On March 21, 2003, by a vote of 52 to 47, the Senate passed an amendment to the FY2004 budget resolution that creates a \$100 billion reserve fund to cover the cost of the war in Iraq that would be financed by reducing the size of the tax cut by \$10 billion annually between 2003 and 2013. The amendment may be reconsidered when the Senate takes up the resolution again on Tuesday, March 25.<sup>71</sup>

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<sup>71</sup> *Congressional Record*, March 20, 2003, p. S4071-S4072, and March 21, p. S. 4230, and (continued...)

Many in Congress have been concerned about the Administration's unwillingness to provide any estimates of the cost of a war in Iraq, which press reports peg at between \$60 billion and \$100 billion.<sup>72</sup> In a hearing before the House Budget Committee on February 27, 2003, Deputy Secretary of Defense Wolfowitz refused to provide any estimate and White House officials had continued to refuse to provide estimates citing the uncertainty of war scenarios, but now tell reporters that the President will request \$80 billion shortly.<sup>73</sup>

According to press reports and executive branch sources, the \$80 billion supplemental may include about \$62 billion to cover the cost of the war in Iraq, occupation, and keeping U.S. forces in Afghanistan and enhanced security in the United States for the remainder of the year, plus aid to Allies, reconstruction costs, and humanitarian assistance.<sup>74</sup> According to press reports, the supplemental may include about \$51 billion for military operations, \$4 billion for replacement of munitions, \$2.6 billion for preparatory tasks including logistical support from allies, about \$2 billion for equipment purchases and R&D, \$1.7 billion for classified programs, and \$2 billion for other defense needs.<sup>75</sup>

For the cost of the war itself, the Administration's request appears to be based on assumptions of a short, one-month war, rapid de-activation of the 150,000 reservists who have been mobilized for Iraq, and a six-month occupation, all assumptions that some observers would consider optimistic. The bulk of DOD's funding is being requested in the Defense Emergency Response Fund, a transfer account that gives the department maximum flexibility to move funds between accounts but may raise concerns about accountability among the appropriators.<sup>76</sup>

The Administration's request may also include funding for aid to nations supporting the United States in the Iraqi war including Israel, Egypt, and some 19 other countries, proposals that have already raised concerns in Congress both because

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<sup>71</sup> (...continued)

S.Con.Res. 23 as reported. Majority Leader Frist entered a motion to reconsider the amendment after it was passed on March 21, 2003.

<sup>72</sup> "Bush To Seek Up To \$95 Billion to Cover Cost of War In Iraq," *Wall Street Journal*, February 26, 2003; "Iraq War Cost Could Soar, Pentagon Says," *Los Angeles Times*, February 26, 2003; "War Tab Could Hit \$95 Billion," *Dallas Morning News*, March 3, 2003; "Bush Has An Audacious Plan to Rebuild Iraq Within A Year," *Wall Street Journal*, March 17, 2003.

<sup>73</sup> House Budget Committee, Transcript, *Hearing on the FY2004 Defense Budget*, February 27, 2003; "Bush to Ask Congress for \$80 billion," *Washington Post*, March 23, 2003.

<sup>74</sup> DOD received \$6.1 billion for its first quarter costs for Afghanistan and the global war on terrorism and \$3.9 billion for intelligence activities in the Consolidated Appropriations Resolution, P.L. 107-7/H.J.Res. 2. Based on DOD's recent estimates, costs for the remainder of the year could be about \$12 billion, or about \$1.5 billion per month.

<sup>75</sup> "U.S. Defense Department Seeks About \$62 billion to Help Pay for War," *Bloomberg.com*, March 23, 2003.

<sup>76</sup> In FY2002, the Administration requested \$20.1 billion in this account and Congress re-allocated the funds to regular appropriations accounts.

of their potential size and the effect on domestic spending levels as well as possible foreign policy repercussions.<sup>77</sup> Funding of about \$3 billion may be proposed for reconstruction and humanitarian assistance, which appear to be underway with contracts already out for bids according to press reports.<sup>78</sup> About \$1.8 billion may be requested for reconstruction and about \$800 million for relief assistance.<sup>79</sup>

Because of uncertainties about both the course of the war itself and postwar needs, estimates of the total cost of war and war-related costs by observers outside the Administration range widely (see **Table 1** below). On the basis of current deployments, CBO recently raised its estimate for the cost of the war alone to \$33 billion for a one-month war and \$41 billion for a two-month war.<sup>80</sup> Some observers have emphasized that the cost for the United States could be substantially higher than in the first Persian Gulf war because U.S. allies are less likely to contribute to either the cost of the war itself or to post-war occupation.<sup>81</sup>

The role of allies in postwar occupation is a particular concern of Army officials who worry that if a large postwar occupation force is required for one or two years, the readiness of U.S. forces could be taxed.<sup>82</sup> Estimates of the number of occupation forces needed have ranged from 50,000-75,000, an estimate reportedly under consideration by the Joint Chiefs of Staff, to over 200,000, an estimate proposed by both General Eric K. Shinseki, Chief of Staff of the Army, and retired military and other experts with recent experience in the Balkans or the 1991 Gulf war.<sup>83</sup> The Administration's estimate appears to include funding for a relatively small occupation force for six months.

Members of Congress have cited concern about the effect of war costs on the deficit. If war costs reach \$100 billion in the first year, the FY2003 deficit would increase by one-third from about \$300 billion to \$400 billion, setting a new record in real terms (i.e. when adjusted for inflation) though still a smaller percent of the GDP than in 1983.<sup>84</sup> The effect of war costs on the deficit is part of the ongoing debate on the FY2004 budget resolution.

<sup>77</sup> "Congress questions Cost of War-Related Aid," *Washington Post*, March 17, 2003.

<sup>78</sup> "Bush Has An Audacious Plan To Rebuild Iraq Within A Year," *Wall Street Journal* March 17, 2003.

<sup>79</sup> *Ibid.*

<sup>80</sup> CBO, *An Analysis of the President's Budgetary Proposals for Fiscal Year 2004*, March 2003, p. 4.

<sup>81</sup> "Allies Unlikely to Help Pay for Second Iraq Invasion," *Washington Times*, March 10, 2003. U.S. costs in the Gulf war were about \$3 billion in today's dollars.

<sup>82</sup> "Shinseki Vs. Wolfowitz: Policy-makers Should Be Wary When Counting Costs of Peace," *Washington Times*, March 4, 2002.

<sup>83</sup> "Army Fears Postwar Strife Will Test Occupation Force," *Washington Post*, March 11, 2003.

<sup>84</sup> Calculated based on U.S. Office of Management and Budget (OMB), *FY 2004 Historical Tables*; OMB, *FY2004 Analytical Perspectives*; and White House, *Economic Report of the President 2003*.

The full costs of a war with Iraq could include not only the cost of the war itself but also the cost of aid to allies to secure basing facilities and to compensate for economic losses (e.g. Pakistan, Israel, Egypt, and Jordan), post-war occupation costs, reconstruction costs, humanitarian assistance, and paying Iraqi government officials. Post-war costs could be higher than the cost of the war itself according to the estimates below. Those estimates suggest war costs could range between \$33 billion and \$60 billion, while the costs of aid to allies, occupation, reconstruction, and humanitarian assistance could range between \$35 billion and \$69 billion in the first year depending on the size of the occupation force, the amount for aid to Allies, the scope of humanitarian assistance, and the sharing of reconstruction aid. Total costs in the first year could range from about \$68 billion to \$129 billion. (see **Table 1** below).

**Table 1. Estimates of First Year Cost of a War with Iraq**  
(in billions of dollars )

Category	Lower End <sup>a</sup>	Higher End <sup>b</sup>
One or Two Month War	33.0	59.8
<b>War Only Subtotal</b>	<b>33.0</b>	<b>59.8</b>
Occupation Force	19.0	38.8
Reconstruction	5.0	10.0
Aid to Allies	10.0	18.0
Humanitarian aid	1.2	2.4
<b>War-related Subtotal</b>	<b>34.6</b>	<b>69.2</b>
<b>Total</b>	<b>67.6</b>	<b>129.0</b>

**Notes and Sources:**

<sup>a</sup> Lower end reflects CBO revised estimate of cost of one-month war reflecting current deployments, a 10 month occupation of 100,000 troops, the U.S. paying half of the U.N.'s estimate of \$30 billion for reconstruction over three years, humanitarian aid for 10 % of the population, and \$10 billion in aid to allies based on State Department sources cited in *Los Angeles Times*, "Iraq War Cost Could Soar, Pentagon Says," February 26, 2003.

<sup>b</sup> Higher end estimate reflects House Budget Committee estimate of cost of a 250,000 force, a 10-month occupation of 200,000 troops, the U.S. paying the full cost of reconstruction, humanitarian aid for 20% of the population and \$18 billion in aid to allies based on State Department sources cited in *Los Angeles Times*, "Iraq War Cost Could Soar, Pentagon Says," February 26, 2003.

Although the Defense Department has not provided any official estimates of the potential costs of a war with Iraq although Secretary of Defense Rumsfeld stated in interviews several weeks ago that \$50 billion would be "on the high side."<sup>85</sup> The Office of Management and Budget has prepared an internal estimate, which reportedly projects costs of \$50-60 billion, but it has not issued the estimate publicly,

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<sup>85</sup> "Iraq War Cost Could Soar, Pentagon Says," *Los Angeles Times*, February 26, 2003.

and it has not explained the assumptions underlying its projections. An earlier estimate by former chief White House economist Larry Lindsey of \$100 billion to \$200 billion was dismissed by the Administration.

**War Costs.** Predicting the cost of a war is uncertain and would vary with the size of the force deployed and the duration of the conflict. Although most observers predict that a war would be short, others predict that the war could last longer, particularly if the U.S. encountered chemical or biological attacks, had to fight urban warfare in Baghdad, or encountered more resistance than anticipated. The Congressional Budget Office has published revised estimates of the costs of a war reflecting current force deployments. Using their assumptions, a one-month war would cost \$33 billion and a two-month war would cost \$41 billion.<sup>86</sup> Using a methodology based on the costs of the Persian Gulf War of 1991, the Democratic staff of the House Budget Committee estimated that a two-month war that deployed 250,000 troops would cost \$53 billion to \$60 billion, an estimate closer to that used by Secretary Rumsfeld.<sup>87</sup> An estimate by the Center for Strategic and Budgetary Assessments (CSBA) that blends the two approaches, suggested that a two month war would cost about \$35 billion. A six-month war, with the same force size, could cost substantially more, ranging from \$50 billion using CBO's figures to \$85 billion using CSBA's approach.<sup>88</sup>

**Related Aid to Allies.** The cost of aid to allies to ensure access for U.S. troops, as in the case of Turkey or to provide compensation for economic losses or refugee costs, as in the case of Pakistan or Jordan and Egypt and Israel, is uncertain. Discussions are reportedly underway. Press reports have mentioned requests from allies for both grants and loan guarantees including from Israel, Egypt, Jordan, and others.<sup>89</sup> Based on those press reports, such aid to allies could add many billions to the cost of the war. With Turkey's refusal to provide basing support for U.S. forces, their aid package is unlikely to materialize. It is not clear how much is included for aid to allies in the reported totals for the FY2003 supplemental.

**Occupation.** The cost of a post-war occupation would vary depending on the number of forces and the duration of their stay. Using factors based on the recent experience for peacekeepers, CBO estimated that monthly occupation costs would range from \$1.4 billion for 75,000 personnel to \$3.8 billion for 200,000 personnel, a force size that was considered by the U.S. Central Command.<sup>90</sup> A year-long

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<sup>86</sup> CBO revised its estimates based on current deployments in CBO, *An Analysis of the President's Budgetary Proposals for Fiscal Year 2004*, March 2003, p. 4; see [<http://www.cob.gov>]. CBO's methodology uses cost factors of the services.

<sup>87</sup> See [[http://www.house.gov/budget\\_democrats/analyses/spending/iraqi\\_cost\\_report.pdf](http://www.house.gov/budget_democrats/analyses/spending/iraqi_cost_report.pdf)]

<sup>88</sup> See House Budget Committee, above, and Center for Strategic and Budgetary Assessments, Backgrounder, Potential Cost of a War with Iraq and its Post-War Occupation by Steven M. Kosiak, February 25, 2003 [<http://www.csbaonline.org>].

<sup>89</sup> "Congress Questions Cost of War-Related Aid," *Washington Post*, March 17, 2003; "U.S. Builds War Coalition With Favors And Money," *USA Today*, February 25, 2003.

<sup>90</sup> CBO, Letter cited. Costs would be higher if U.S. peacekeepers engaged in reconstruction (continued...)

occupation force of 100,000 troops would cost \$22.8 billion and a force of 200,000 troops would cost \$45.6 billion using these factors. That estimate was recently buttressed by testimony from the Army Chief of Staff, General Eric Shinseki, stating his view that several hundred thousand troops could be needed initially.<sup>91</sup> Under Secretary of Defense Wolfowitz recently disavowed this estimate, suggesting that a smaller U.S. force was likely and that Allies would contribute as well.

An estimate by the Center for Strategic and Budgetary Assessments has pegged the post-war occupation cost at \$105 billion over 5 years, assuming an initial peacekeeping force of 150,000 troops declining to 100,000 troops the second year and 65,000 troops for the following 3 years.<sup>92</sup> If the peacekeeping role were shared with the U.N. or other nations, the costs to the U.S. would be lower. Press reports suggest that the Administration is considering an occupation of about 2 years.

**Reconstruction.** According to United Nations agencies, the cost of rebuilding Iraq after a war could run at least \$30 billion in the first 3 years.<sup>93</sup> Nobel prize-winning economist William D. Nordhaus has indicated that reconstruction in Iraq could cost between \$30 billion over 3 to 4 years, based on World Bank factors used in estimating rebuilding costs elsewhere, to \$75 billion over 6 years using the costs of the Marshall Plan as a proxy.<sup>94</sup>

If Iraqi oil fields are not damaged, some observers have suggested that oil revenues could pay for occupation or reconstruction. Most of those revenues, however, are used for imports under the U.N. Oil for Food Program or for domestic consumption. Although expansion of Iraqi oil production may be possible over time, additional revenues would not be available for some time. The only additional revenues available immediately might be those from the estimated 400,000 barrels per day that Iraq currently smuggles and that generate about \$3 billion a year.<sup>95</sup>

**Humanitarian Assistance.** Estimates of post-war humanitarian assistance for emergency food and medical supplies have been estimated at about \$2.5 billion the first year, and \$10 billion over 4 years, assuming that about 20% of Iraq's

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<sup>90</sup> (...continued)  
activities like rebuilding bridges.

<sup>91</sup> "A Huge Postwar Force Seen," *Los Angeles Times*, February 26, 2003.

<sup>92</sup> Center for Strategic and Budgetary Assessments, Backgrounder. CSBA uses the same factors as CBO.

<sup>93</sup> "U.N. Estimates rebuilding Iraq Will Cost \$30 Billion." *New York Times*, January 31, 2003.

<sup>94</sup> American Academy of Arts and Sciences, *War with Iraq: Costs, Consequences, and Alternatives*, November 2002, p. 66-67; available online from the Academy's web site at [[http://www.amacad.org/publications/monographs/War\\_with\\_Iraq.pdf](http://www.amacad.org/publications/monographs/War_with_Iraq.pdf)].

<sup>95</sup> CBO, Letter to Senator Kent Conrad and Congressman John M. Spratt, Jr, concerning costs of a potential war with Iraq, September 30, 2002; see [<ftp://ftp.cbo.gov/38xx/doc3822/09-30-Iraq.pdf>].

population of 24 million needed help.<sup>96</sup> If the number needing help were lower or other nations or the U.N. contributed, the cost to the U.S. would be lower.

**Economic Repercussions.** Some observers have suggested that a war with Iraq could lead to a spike in the cost of oil generated by a disruption in the supplies that could, in turn, tip the economy into recession. For an analysis, see below, **Oil Supply Issues**. Such a scenario could increase the cost to the U.S. economy substantially.

### CRS Products

CRS Report RL31585, *Possible U.S. Military Intervention in Iraq: Some Economic Consequences*.

## Oil Supply Issues

Larry Kumins, 7-7250

(Last updated March 24, 2003)

The armed conflict in Iraq raises concerns over that nation's supply of crude oil to world markets. The *International Petroleum Encyclopedia 2001* reports that Iraq held 112.5 billion barrels of proven crude oil reserves – 11% of the world's currently known reserves – second only to Saudi Arabia's 259 billion barrels. Despite holding such large reserves, Iraq's current rate of crude oil production is much below its ultimate potential. With investment in facilities, technology, and better operating methods, Iraq could rank as a top producer, a development that could change world oil market dynamics.

Under U.N. Resolution 986, the "oil for food" program, Iraq's oil exports have varied greatly; in some weeks virtually no oil has been exported, in others as much as 3.0 million barrels per day (mbd) have entered world markets. On March 17, 2003, the U.N. withdrew its staff from Iraq, leaving the program in limbo. Now it seems as if continued fighting in the southern part of Iraq – source of roughly half the oil exported under U.N. Res. 986 – has caused the halt of exports from the Persian Gulf port at Umm Qasr. The remainder of Iraq's exports – mainly produced in and around the Kirkuk field in the north – is shipped via twin pipelines across Turkey to the Mediterranean port of Ceyhan. Tanker loadings there were reportedly halted sometime last week; it now seems as if crude availability there should dwindle quickly, regardless of tankers' willingness to call.

Prior to the onset of fighting, the U.N. Office of the Iraq Program reported that exports averaged 1.7 mbd under the oil-for-food program. In addition, Iraq likely supplied another 400,000 barrels to adjacent countries outside the U.N. run program.

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<sup>96</sup> American Academy of Arts & Sciences, *War with Iraq: Costs, Consequences, and Alternatives*, November 2002, p. 67; available online from the Academy's web site at [[http://www.amacad.org/publications/monographs/War\\_with\\_Iraq.pdf](http://www.amacad.org/publications/monographs/War_with_Iraq.pdf)]. This estimate assumes a cost of \$500 per person per year based on the experience in Bosnia and Herzegovina in the 1990s.



Despite the off-and-on nature of Iraq's international oil flow, the oil market has relied on Iraqi supply, which played a role in the determination of crude oil prices and other supplier-purchaser arrangements. Iraq accounted for about 10% of average oil production by the Organization of Petroleum Exporting Countries (OPEC). Iraq is an OPEC member but does not participate in the cartel's quota program (as do the 10 other members) because Iraqi exports have been controlled by the U.N.

Crude prices recently touched \$40 per barrel, the record levels from 1990-1991. The price spike resulted from supply difficulties due to an oil workers' strike in Venezuela, as well as overriding concerns about Persian Gulf oil supply. The Venezuelan strike, which began on December 2, 2002, seems at least partially resolved; oil exports appear to be somewhat above half pre-strike amounts and are increasing slowly. War jitters about crude supply appear to ebb and flow, as crude closed in New York trading at \$26 per barrel on Friday, March 21, despite escalated fighting in Iraq. But the passage of a few days saw prices rise into the \$28 area (on the opening of trading Monday) with expanded fighting and the apparent cessation of exports from Iraq.

It is too early to predict when Iraqi exports might resume. When and if pre-strike output levels in Venezuela will be reached is also uncertain. And new unrest in Nigeria, another source of world market supply, has resulted in the shutting-in of a reported 400,000 barrels per day of output. Were the supply shortfalls from Venezuela and Nigeria to continue through spring – and events in the Persian Gulf continue to shut in Iraq's crude oil supply – OPEC members would be hard pressed to make up the lost crude.

OPEC members upped production in February 2003 by 1.3 million barrels per day. OPEC now has virtually no surplus capacity left to meet any reduction in oil output elsewhere in the world. Although not precisely in a crude supply shortfall situation, world markets are on the verge of a shortfall, creating a situation in which oil prices could easily spike. If the Iraq conflict were to spread beyond its borders to Kuwait – as Saddam Hussein has threatened – or affect tanker traffic in the Persian Gulf, genuine oil shortfall could take place, resulting in more significant pressure on supply and price. At this update, prices are well off recent highs, but oil markets are extremely volatile and prices can fluctuate markedly depending on events and their interpretation.

For the longer outlook, should Iraq experience a change of government, the country could have the resources to become a much larger oil producer, increasing world supply and changing the oil price paradigm that has prevailed since the Iranian political upheaval of 1978-1979. This eventuality could unleash a new set of political and economic forces in the region; it could also change the complexion of the world oil market by enhancing future crude oil availability.

**CRS Products**

CRS Report RL31676, *Middle East Oil Disruption: Potential Severity and Policy Options.*

## Information Resources

This section provides links to additional sources of information related to a possible war with Iraq.

### CRS Experts

A list of CRS experts on Iraq-related issues may be found at [<http://www.crs.gov/experts/iraqconflict.shtml>].

Those listed include experts on U.S. policy towards Iraq, Iraqi threats, U.N. sanctions and U.S. enforcement actions, policy options and implications, war powers and the use of force, nation-building and exit strategies, and international views and roles. Information research experts are also listed.

### CRS Products

For a list of CRS products related to the Iraq situation, see [<http://www.congress.gov/erp/legissues/html/isfar12.html>].

The reports listed deal with threats, responses, and consequences; international and regional issues and perspectives; and authorities and precedents for the use of force.

### Military Deployments

For information on U.S. armed forces deployed in connection with the Iraq crisis, see CRS Report RL31763, *Iraq: Summary of U.S. Forces*.

### Humanitarian Aid Organizations and Iraq

CRS Report RL31766, *Iraq, United Nations and Humanitarian Aid Organizations*.

### Iraq Facts

For background information on Iraq, including geography, population, ethnic divisions, government structure, and economic information, see the *World Factbook, 2002* published by the U.S. Central Intelligence Agency.

[<http://www.cia.gov/cia/publications/factbook/geos/iz.html>]

### Maps

For basic maps related to the Iraq situation, see CRS Report RS21396, *Iraq: Map Sources*. The html version of the report includes hot links to a wide range of map resources.

## **Reports, Studies, and Electronic Products**

This CRS web page includes links to a wide range of sources relevant to the Iraq confrontation.

[<http://www.congress.gov/brbk/html/ebter233.html>].

The following CRS page focuses on official sources, including sources in both the legislative and executive branches of the U.S. government, foreign government sources, and sources of information at international organizations.

[<http://www.crs.gov/products/browse/iraqdocs.shtml>].

## **United Nations Resolutions**

For the draft “second resolution” introduced by the United States, the United Kingdom, and Spain on February 24, 2003, see

[<http://www.un.int/usa/scdraft-iraq-2-24-03>]

On November 8, 2002, the United Nations Security Council unanimously adopted Resolution 1441, holding Iraq in “material breach” of its disarmament obligations. For background and text, see

[<http://www.un.org/News/Press/docs/2002/SC7564.doc.htm>]

For a compendium of resolutions since 1992, see CRS Report RL31611, *Iraq-Kuwait: United Nations Security Council Texts, 1992-2002*.